

GAHC010032312026



2026:GAU-AS:3863

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/361/2026

UPEN BARMAN
S/O LATE RABEN BARMAN, R/O TENGAIGAON, P.S. SIMLAGURI, DIST.
BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN,MR. MD IMDAD,MD R
ISLAM,MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17-03-2026

Heard Mr. S M Abdullah P, the learned counsel for the petitioner. Also heard Mr. B. Sharma, the learned Additional Public Prosecutor appearing on behalf of State respondent.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Kajalgaon P.S. Case No. 12/2026, under Sections 109/118(2)/140(3) of BNS, 2023. It is also submitted that subsequently after death of the victim, 103 BNS is added in the case.

3. Case Diary is received. Perused the same.

4. It is submitted by Mr. Abdullah that the present accused/petitioner is innocent and is no way connected in the alleged offence. The alleged theft was committed in the school wherein he is the Principal of the school wherefrom a thief had stolen a bicycle. But, later on some people assaulted the thief who subsequently succumbed to injury. The petitioner is called in the police station for which he has the apprehension of arrest and for which the present petition has been filed. However, he is ready and willing to extend his cooperation in further investigation of this case, if he is granted with the privilege of pre-arrest bail.

5. Mr. Sharma, the learned Additional Public Prosecutor submitted in this regard that admittedly there is no such allegation brought against the present petitioner. But, the alleged theft was committed in a school where he is the Principal and for which he was called in the police station only as a witness and thus there cannot be any apprehension of arrest in connection with the case.

6. Hearing the submissions of learned counsels for both sides and considering the nature of the case vis-à-vis the materials available in the Case Diary, this Court is of the opinion that it is a fit case wherein the privilege of anticipatory bail can be extended to the present petitioner and accordingly the prayer is allowed.

7. Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Upen Barman in connection with Kajalgaon P.S. Case No. 12/2026, under Sections 109/118(2)/140(3) of BNS, 2023, added Section 103 BNS, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand)only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. case; and
- (iii) that the petitioner shall not, directly or indirectly, make any inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/them from disclosing such facts to the Court or to any police officer.

8. The anticipatory bail application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant