

GAHC010035002026



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

Case No. : AB/389/2026

BASANTA DAS
S/O JADAB DAS
R/O MAJIUKUCHI, KOIBARTA GAO, DERGAON, P.S. DERGAON, DIST.
GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS, A GHOSAL, J SINGPHO

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

23.02.2026

Heard Mr. M. Biswas, learned counsel for the accused/applicant. Also heard Mr. K.K. Parsar, learned APP for the State.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of pre-arrest bail to the accused/applicant in

connection with Dergaon P.S. Case No. 116/2025 under Section 329(1), 296, 118(2), 109(1), 49, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. An FIR was lodged on 14.11.2025 by one Smti. Madhobi Das, alleging that on 13.10.2025 at around 9:30 am, a resident and neighbor of their village, namely Shri Basanta Das, was cutting some bamboo trees located on their premises without their knowledge. It was alleged that when he was confronted by the informant's daughter-in-law, she was attacked by the aforesaid Basanta Das by hurling some abuses and thereby caused grievous injuries on her left palm, thumb and the both hands. It was alleged that the father of the Basanta Das, i.e. Sri Jadab Das, has instigated him to attack his daughter-in-law. Later on his daughter-in-law taken to the hospital and she is being treated in the Dibrugarh Medical College at the stage.

4. The learned counsel for the accused/applicant submits that, although there is an allegation against the accused/applicant of using a dao and thereby causing grievous injuries to the victim, in fact, the incident occurred due to a misunderstanding between two neighbours. He further submits that the victim has already recovered and both parties are now living peacefully. It is further submitted that the incident occurred sometime in the month of November 2025, and more than three months have already elapsed since the alleged occurrence. In view of these circumstances, detention of the accused/applicant at this stage may not be necessary, and the accused/applicant is ready to face the trial, if so required.

5. On the other hand, the learned Additional Public Prosecutor (APP) submits that the accused/applicant is the main culprit in the incident as alleged in the FIR, having inflicted injuries with a dao. Therefore, it is submitted that, at this stage, the accused/applicant should not be granted bail.

6. This Court has considered the submissions made by the counsels for the parties, as well as perused the order dated 18.02.2026 passed by this Court, whereby the father of the present accused/applicant was granted pre-arrest bail.

7. Taking into consideration the facts and circumstances of the case, this Court is of the view that, at this stage, the accused/applicant can be granted pre-arrest bail. Accordingly, it is directed that in the event of arrest of the accused/applicant by the Investigating Authority in connection with Dergaon P.S. Case No. 116/2025, he shall be released on furnishing a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with one surety of the like amount, subject to the following conditions:

(i) That the accused/applicant shall appear before the Investigating Officer within a period of 10 days of passing of this order;

(ii) The accused/applicant shall co-operate with the investigation and shall appear before the Investigating Officer as and when call for;

(iii) The accused/applicant shall not influence any of the witnesses in the instant case in any manner, whatsoever.

8. In view of the aforesaid directions, the instant AB application is disposed of as allowed.

JUDGE

Comparing Assistant