

GAHC010119442026



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

Case No. : AB/1281/2026

SRI ANUPAM BORAH AND 3 ORS.
S/O-LT. CHAN MOHAN DAS,304,GOLDEN TOWER,BHGHORBORI
TINALI,PANJABARI,DIST-KAMRUP (M),ASSAM

2: SRI ANUPAM OJAH
SON OF LATE KARNADHAR OJAH
RESIDENT OF WARD NO.-08
CHANDANPUR
BARPETA ROAD
DISTRICT BARPETA
ASSAM

3: SRI DHIRAJ BHARALI ALIAS RINKU BHARALI
SON OF SRI TARUN BHARALI RESIDENTS OF BARPETA ROAD TOWN
WARD NO. 8
MOUZA GOBARDHANA
P.S. BARPETA ROAD
DISTRICT BARPETA
ASSAM.

4: SRI BHAGAWAN PATHAK
SON OF - PARAMESWAR PATHAK
RESIDENT OF GOBARDHANA
P.S. BARPETA ROAD
DISTRICT BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P P DUTTA, MS. P P DAS,MS P SARMA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA**

ORDER

Heard Mr. P.P. Dutta, learned counsel for the petitioners. Also heard learned Addl. Public Prosecutor for the State.

2. This is an application filed under Section 482 of BNSS, 2023 for granting pre-arrest bail to the petitioner in connection with Barpeta Road P.S. Case No. 61/2026, under Section 126(2)/296/117(2)/351(2)/303(2)/3(5).

3. The brief of the case is that on 05.06.2026, the complainant, Shri Sujit Sarkar, S/o Late Sudhir Sarkar, resident of Village Khairabari, P.S. Barpeta Road, District Barpeta, Assam, lodged an FIR alleging that about two years ago he had advanced a sum of Rs. 26,00,000/- to accused Rinku Bharali (A-3) through bank transactions for business purposed. Despite repeated demands, the accused allegedly failed to repay the amount and continued to postpone the repayment. The complainant further stated that about one month prior to the occurrence, he again demanded the money from accused Rinku Bharali, who assured him that he would repay the amount on 04.06.2026. However, on 04.06.2026 at about 12:00 midnight, while the complainant was sitting in front of the Oil

Depot at Khairabari, accused persons along with several associates allegedly arrived in two vehicles, surrounded him and assaulted him by striking and kicking him, causing injuries. During the incident, the accused persons allegedly threatened the complainant with death if he continued to demand repayment of the money. They also allegedly abused him in obscene and derogatory terms targeting his Bengali community and threatened to kill him and dispose of his body. The complainant further alleged that the accused persons robbed a gold chain worth approximately Rs. 2,25,000/- from his neck. Alleging assault, criminal intimidation, robbery, communal abuse, and misappropriation of his money, the complainant prayed for legal action against the accused persons.

4. The learned counsel for the petitioner submits that the present FIR is a counter blast to the FIR lodged by the present petitioner against the informant which is a subject matter of the instant bail application. It is further submitted that it would be clear from the perusal of the respective FIR's that it was the present petitioner who lodged the first FIR at 11:14 pm on 05.06.2026.

5. Call for the Case Diary.

6. In the interim, it is provided that in the event of his arrest in connection with Barpeta P.S. Case No. 61/2026, the petitioner shall be released on bail on furnishing of a bail bond of Rs. 1,00,000/- with one surety of the like amount to the satisfaction of Arresting Authority subject to the following conditions:-

- 1) The accused/applicant shall appear before the Investigating Officer within a period of 7 days of passing of this order.
 - 2) The accused/applicant shall co-operate with the investigation and make himself available as and when called for by the Investigating Officer.
 - 3) The accused/applicant shall provide copies of his driving licence, PAN Card, Photo Identity Card as well as Passport (if any) before the Investigating Officer.
- 7.** List the matter again on 17.07.2026.

JUDGE

Comparing Assistant