

GAHC010140502026



undefined

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

Case No. : AB/1538/2026

SHRI KHUNGURSHA BASUMATARY
SON OF LATE LANDURA BASUMATARY, RESIDENT OF VILLAGE-
BARIGAON, POST OFFICE- NICHILAMARI, POLICE STATION- TANGLA,
DISTRICT- UDALGURI, ASSAM PIN-784522

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T DEURI,
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA
ORDER

07.07.2026

Heard Mr. T. Deori, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam.

3. This application under Section 482 of the BNSS, 2023 has been filed by the petitioner viz. Khungursha Basumatary who is apprehending his arrest in connection with Panery Police Station Case no. 5/2026 under Sections 105/61[2][a] of the BNS, 2023.

4. The gist of the accusation in this case is that on 07.06.2026, one Sri Swapan

Ch. Das had lodged an FIR before the Officer In-Charge of Panery Police Station alleging inter alia that on that day at about 01-00 p.m., when his nephew went to take a bath in river Nunoi, he accidentally fell into illegally excavated ditch. It is alleged that the said ditch was dug by crusher mill illegally carrying excavation in the said river and similar incident occurred earlier also.

5. The learned counsel for the petitioner has submitted that the petitioner is the Collector –cum- Manager of Nunoi Sand/Stone Mahal no. 1 (Gitibari) and he is not in any manner responsible for the death of the nephew of the first informant in the instant case. He submits that the petitioner is not directly involved in the circumstances which resulted into the death of the nephew of the first informant. He submits that the petitioner is ready to cooperate with the investigation and his custodial detention may not be necessary for fair completion of the investigation.

6 On the other hand, Mr. Baishya, learned Additional Public Prosecutor submits that earlier the prayer for bail of the present petitioner was rejected by the Court of learned Additional Sessions Judge after perusal of the case diary and while rejecting the petition, the said Court made an observation that the materials are insufficient to justify grant of pre-arrest bail to the petitioner. He has submits that the case diary may be perused before granting the relief of pre-arrest bail to the petitioner at this stage.

7. Call for the case diary.

8. Let the matter be listed again on 17.07.2026.

JUDGE

Comparing Assistant