

GAHC010140502026



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 MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

17.07.2026

1. Heard learned counsel Mr. T. Deuri for the petitioner Khungursha Basumatary who has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Panery Police Station Case No. 05/2026

under Sections 105/61(2)(a) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. P. S. Lahkar, learned Additional Public Prosecutor for the respondent State.

3. I have considered the submissions at the Bar with circumspection.

4. It is submitted on behalf of the petitioner that the petitioner is not at all involved in the accident which resulted in the death of Gour Das. The allegation is that some miscreants have been illegally excavating the bank of river Nunoi. The victim Gour Das went to the river and accidentally fell into an illegally excavated ditch on the river banks.

5. I have also scrutinized the Case Diary. Investigation has progressed to a considerable extent. Several miscreants have been arrested.

6. It appears that custodial interrogation of the petitioner may not be necessary for the progress of investigation. The petitioner is a local resident and he has pledged to co-operate with the investigation. The petitioner is not a flight risk.

7. It appears that pre-arrest bail may be granted to the petitioner.

8. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged,

(ii) The petitioner shall appear before the Investigating officer within 1 (one) week and cooperate with the investigation, and

(iii) The petitioner shall appear before the Investigating officer on every fortnight till completion of investigation

9. On breach of any of the bail conditions, pre-arrest bail shall stand automatically cancelled.

10. In terms of the above observation, this application stands disposed of.

11. Send back the Case Diary.

1 **JUDGE**

Comparing Assistant