

GAHC010182062025



2026:GAU-AS:2983

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

Case No. : AB/1981/2025

LOCHAN BORA ALIAS LOCHAN BORAH
SON OF KHAGEN BORAH
R/O VILL- BAHBARI, P.O. BAHBARI, P.S. TEZPUR, DIST. SONITPUR, ASSAM,
PIN-784502

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BORAH, MR A TALUKDAR, MS B BORA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 26-02-2026

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

2. This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for granting pre-arrest bail to the petitioner, namely, **Lochan Bora @ Lochan Borah** in connection with Tezpur P.S. Case No. 540/2025 under Sections 308(2)/308(5)/351(2)/3(5) of BNS, 2023.

3. Case Diary received. Perused the same.

4. It is submitted by Mr. Borah that the present accused/petitioner is innocent and has not committed any such offence as alleged in the FIR. More so, the case is registered u/s 308(2) and 308(5) BNS but, there is no ingredient to attract these sections against the present petitioner. Considering these aspects of the matter, one of the co-accused has been granted bail on the day of his production/arrest. Considering the case of the present petitioner under same footing, he may be released on bail. However, after obtaining the order of interim pre-arrest bail dated 19.08.2025 he already appeared before the I/O and cooperated in the investigating of this case. He is still ready and willing to extend his further cooperation, if he is provided with the privilege of pre-arrest bail.

5. Mr. Lahkar, the learned Additional Public Prosecutor submitted in this regard that there are sufficient materials against the present petitioner who himself admitted that he took the said amount as mentioned in the FIR in the name of mutation from the informant. However, he appeared before the I/O and cooperated in the investigation. But, during the pendency of the investigation and considering the fact that the petitioner is a government employee, Section 7A of the P.C. Act is also added by the learned Magistrate on the prayer made by the I/O. Mr. Lahkar accordingly submitted that custodial interrogation may be required for the purpose of investigation. He raised objection and submitted that

it is not a fit case to extend the privilege of pre-arrest bail the the present petitioner.

6. After hearing the submissions made by learned counsel for both sides, I have also perused the Case Diary and it is found that after obtaining the order of interim pre-arrest bail, the petitioner is cooperating in the investigation. Further considering the other materials available in the Case Diary, I find that custodial interrogation of the present petitioner may not be required at this stage and there is substantial progress in the investigation also. Accordingly, I find it a fit case to extend the privilege of pre-arrest bail to the present petitioner.

7. Hence, the order of interim bail dated 19.08.2025 is hereby made absolute under the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of.

9. The Case Diary be sent back.

JUDGE

Comparing Assistant