

GAHC010192012025



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

Case No. : AB/2053/2025

RAHUL DAS
S/O- SRI RAJU DAS, R/O- NIZARA PATH, P.S.- FATASIL-AMBARI DISTRICT-
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. S P CHOUDHURY, MR. S. J. SARKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 20.01.2026

Heard Mr. S. J. Sarkar, learned counsel for the petitioner. However, Mr. B. Sharma, learned Addl. P.P. is present.

2. This application under Section 482 of BNSS, 2023 has been filed by the petitioner, namely, Sri Rahul Das, who is apprehending his arrest in connection with Jalukbari P.S. Case, No. 359/2025 under Sections 351(2)/ 352/ 353(3)/ 356/ 324(2)/ 115(2) of BNS, 2023.

3. The gist of the accusation in this case is that on 15.08.2025, one Baru Chetry had lodged an FIR before the Officer-in-charge of Jalukbari Police Station, inter alia, alleging that the petitioner along with one Mukesh Thapa

were trying to consume liquor inside the Pani Tanki and when the informant prevented them from doing so, he failed to do so. Thereafter the present petitioner along with the co-accused went to the house of the informant and entered into his house and assaulted the informant, his wife as well as his minor son and caused injury on his person.

4. The learned counsel for the petitioner has submitted that, in the meanwhile, the co-accused Kangkan Pathak was arrested and he has already been released on bail. The learned counsel for the petitioner also submitted that all the offences under which this case has been registered except offence under Section 353(3) of BNS are bailable in nature. He submits that only offence under Section 353(3) of BNS is non-bailable. However, considering the facts alleged in the FIR, no offence under Section 353(3) of BNS is made out in this case.

5. Case diary as call for has been received along with the injury report which reflects only simple injuries.

6. Having regard to the above, the prayer for pre-arrest bail is **allowed**.

7. The order of interim pre-arrest bail dated 27.08.2025, is hereby made **absolute** upon the same conditions.

8. Accordingly, the anticipatory bail application is disposed of.

JUDGE

Comparing Assistant