

GAHC010203172025



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

Case No. : AB/2221/2025

MUKESH THAPA AND ANR
S/O BIR BAHADUR THAPA
R/O DURGASAROBAR PAHAR, DILI HAZARI PATH, FATASIL AMBARI, P.S.
FATASIL AMBARI, DIST. KAMRUP (M), ASSAM, PIN-781025.

2: SRI BISHAL DAS
S/O BASANTA DAS
R/O- DURGASARABAR PAHAR DILL HAZARI
PATH
FATASHIL AMBARI
P.S. FATASIL AMBARI
DIST. KAMRUP (M)
ASSAM
PIN-78102

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S D ROY, R JAMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.09.2025

1. Heard Mr. S. D. Roy, the learned counsel for the petitioners. Also heard

Mr. K. K. Parasar, the learned Additional Public Prosecutor for the State respondent.

2. This application under Section 482 of BNSS, 2023 has been filed by the petitioners, namely, (1) Mukesh Thapa, and (2) Bishal Das who are apprehending their 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 petitioners has submitted that in the meanwhile, two of the co-accused, namely, Kangkan Pathak and Rahul Das have already been released on bail.

5. The learned counsel for the petitioners also submitted that all the offences involved in this case except offence under Section 353(3) of BNS are bailable in nature. He submits that the facts alleged in the FIR do not indicate any ingredients of offence under Section 353(3) of BNS, 2023.

6. On the other hand, the learned Additional Public Prosecutor has opposed the grant of interim bail at this stage and prays for calling of the case diary.

7. It also appears that in a connected case i.e., AB 2053/2025, case diary has already been called for and the next date is fixed on 19.09.2025.

- 8.** Let the case diary be called for in this case, fixing 19.09.2025.
- 9.** In the meanwhile, as apparently it appears that the accusation levelled against the present petitioners in the FIR ex-facie does not make out any offence under Section 353(3) of BNS, 2023, the above named petitioners are directed to appear before the Investigating Officer of Jalukbari P.S. Case, No. 359/2025 within a period of seven days from the date of this order and co-operate in the investigation. If they do so within the stipulated period of time, in the event of their arrest, in connection with the aforesaid case, they shall be allowed to go on interim bail of Rs.30,000/- (Rupees Thirty Thousand) each only with one surety of like amount subject to the satisfaction of the arresting authority with following conditions:-
- i.** The petitioners shall co-operate in the investigation,
 - ii.** The petitioners shall not directly or indirectly make any inducement, threat or promise to the informant or to other person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.
- 10.** Let this matter be listed on **19.09.2025.**

JUDGE

Comparing Assistant