

GAHC010203172025



2026:GAU-AS:612

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 SANJEEV KUMAR SHARMA

ORDER

Date : 20.01.2026

Heard Mr. S.D. Roy, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Addl. P.P. for the State.

2. This application under Section 482 of BNSS, 2023 has been filed by the petitioners, namely, (1) Mukesh Thapa, and (2) Bishal Das who were 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 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