

GAHC010205992025



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

Case No. : AB/2276/2025

RAHUL RAY ALIAS RAHUL RAI AND ANR
S/OP DEEPA DAS RAY
BY FAITH AND RELIGION- HINDU,
BY PROFESSION- PRIVATE SERVICE, RESIDENT OF A.T. ROAD,
TOKOBARI,P.S. PALTAN BAZAR, KAMRUP (M), GUWAHATI-781008, ASSAM

2: PRANAB KUMAR
S/O RAMESH KUMAR

BY FAITH AND RELIGIO
HINDU

BY PROFESSION- GOVT. EMPLOYEE
RESIDENT OF BISHNU NAGAR
AMBARI
FATASIL
P.S. AMBARI
KAMRUP (M)
GUWHAATI-781025
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. V N UPADHYAY, P MOHESWARI,S DAS,MS P MISHRA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS**

ORDER

Date : 17.09.2025

- 1.** Heard Ms. P. Mishra, learned counsel for the petitioners. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State of Assam.
- 2.** The petitioners herein, namely, Rahul Ray @ Rahul Rai and Pranab Kumar are seeking anticipatory bail in connection with Jalukbari P. S. Case No.359/2025, under Sections 351 (2)/352/353 (3)/356/ 324 (2)/115 (2) of the BNS, 2023.
- 3.** The case arose out of FIR dated 15.08.2025, lodged by one BaruChetry with the allegations that the accused persons named therein, are trying to use his house for consuming liquor. Upon being obstructed, subsequently, they forcefully entered their house and committed assault upon him. Later on, they also assaulted his wife, 12-year-old girl and brother causing grievous injuries.
- 4.** Learned counsel for the petitioners has drawn my attention to the ingredients of Section 353 Sub-Clause 3 of the BNS and submits that the same is not applicable; whereas when that the other penal provisions areailable.
- 5.** Perused the order dated 20.08.2025, passed by the learned Additional Chief Judicial Magistrate, Kamrup (M), Guwahati, where a similar observation has been made.
- 6.** Call for the Case Diary of Jalukbari P. S. Case No.359/2025 along with the medical report.
- 7.** However, in the interim, in the event of arrest of the petitioners, they shall be enlarged on bail furnishing bail bond of Rs.25,000/- each with one suitable surety of like amount to the satisfaction of the arresting authority.
- 8.** The direction for bail is further subject to the condition(s) that the

accused petitioners;

- i. Shall co-operate with the investigation;
- ii. Shall appear before the IO for examination
- iii. Shall not cause harm or annoyance to the informant or its family.

9. Violation or breach of condition(s) shall entail cancellation of the bail.

10. List on 22.10.2025.

JUDGE

Comparing Assistant