

GAHC010205992025



2026:GAU-AS:786

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 FATASILP.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 SANJEEV KUMAR SHARMA
ORDER

Date : 22.01.2026

Heard the learned counsel for the petitioners and the learned Addl. P.P., Assam.

The petitioners, 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.

The case arose out of FIR dated 15.08.2025, lodged by one Baru Chetry 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.

Learned counsel for the petitioners has drawn the attention of this Court to the ingredients of Section 353 Sub-Clause 3 of the BNS and submits that the same is not applicable; whereas the other penal provisions are bailable.

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.

Case diary, as called for, has been received along with the injury report, which reveals simple injury.

Having regard to the allegation as well as the injury report, the prayer for pre-arrest bail is allowed.

Accordingly, the interim order dated 17.09.2025 is hereby made absolute subject to the same conditions.

Return the CD.

The petition stands disposed of accordingly.

JUDGE

Comparing Assistant