

GAHC010004922023



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

**Case No. : AB/61/2023**

TARUN DIHINGIA  
S/O LATE BINOD DIHINGIA  
R/O VILL- NAPAM  
P.O. AND P.S. DHEMAJI  
DIST. DHEMAJI, ASSAM

VERSUS

THE STAE OF ASSAM  
REP. BY THE LD. PP, ASSAM

**Advocate for the Petitioner : MR. M K DEURI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 11-04-2023**

- 1.** Heard Mr. S. Borthakur, learned counsel for the petitioner Tarun Dihingia and Mr. K.K. Parashar, learned Addl. P.P. for the State.
- 2.** By this application under Section 438 of the Code of Criminal Procedure, 1973 [Cr.PC],

the petitioner has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Basistha Police Station Case No. 1070/2022 corresponding under Sections 120-B/420/468/471 IPC.

**3.** I have considered the submissions at the Bar and I have also perused the Case Diary. The FIR unfolds that the informant went for a field verification and vigilance enquiry with respect to permit for transportation of cattle by Sri Pratap Kumar Gogoi, who applied for permission to transport 200 Milch cows and buffaloes from Bihar and Uttar Pradesh to his Dairy Farm at Maidamgaon in Beltola and accordingly he obtained permit vide permit No. LSV-19/REG. Transportation/Pt-II/2022-23/1020 dated 07/07/2022. During enquiry it was found that the permit holder Sri Pratap Kumar Gogoi had intentionally used an address which does not belong to him while applying for permit. He could not show his Dairy Farm at Maidamgaon and he further stated that his names and details were used by the present petitioner. However, Pratap Gogoi stated that no cattle was transported against the said permit. It is alleged that both Pratap Kumar Gogoi in collusion with the present petitioner Tarun Dihingia and some unknown miscreants hatched up a criminal conspiracy and obtained permit by using false information for their Dairy Farm at Maigamgaon which in reality does not exist. It is true that Pratap Kumar Gogoi did not sign any application for permit although he had given his documents to the present petitioner. It was also found that at the time of filing of the application, the applicant did not mention the features of the consigner, i.e. the names and address of consigner, mobile number etc. in order to evade further verification.

**5.** The learned Addl. P.P. has submitted that there are incriminating materials against the present petitioner. He has forged the signature of Pratap Kumar Gogoi. The FSL report reveals that the present petitioner has forged the signature of Pratap Kumar Gogoi.

**6.** It is submitted on behalf of the petitioner that the petitioner was granted interim bail because he had sustained several injuries as he met with an accident and he was bed ridden. The medical documents are marked as Annexure- B series. It is also submitted that although the allegation was that documents were forged, yet cattle was not transported so the alleged offence could not be completed. Investigation has also progressed to a considerable extent and the statement of the petitioner has been recorded. The petitioner has pledged to cooperate with the trial and not to evade appearance.

**7.** In view of my foregoing discussions, the interim order dated 09.01.2023 is hereby made absolute.

Send back the Case Diary.

**JUDGE**

**Comparing Assistant**