

GAHC010186662024



2024:GAU-AS:9620

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

Case No. : AB/2428/2024

RAKESH KUMAR PRASAD AND ANR
S/O LAGANDEO PRASAD
RO DOLAIGAON, P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM

2: MOHAMED ZAKRIA @ MD ZAKARIA
S/O ABDUL KARIM
R/O WARD NO. 10
CHAPAGURI ROAD
NORTH BONGAIGAON
P.S. AND DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

25.09.2024

1. Heard Mr M Khan, learned counsel for the petitioner, Rakesh Kumar Prasad, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-

arrest bail, as he is apprehending arrest in connection with Bongaigaon PS Case No. 308/2024, registered under Sections 61(2)(a)/319(2)/318(4)/308(2)/351(3) of the BNS, 2023.

2. The other petitioner, Mohamed Zakria @ Md Zakaria, has already been arrested in connection with the aforesaid case and thus, learned counsel for the petitioner has not pressed the petition for him.

3. Also heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

3. It is submitted on behalf of the petitioner that the petitioner is working under a licensed money lender, i.e., Rahimuddin Khan. It is submitted that a false case has been brought up against the petitioner that he has been extorting innocent citizens in lieu of money lent to them. The petitioner has prayed for bail on these grounds.

4. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the present petitioner.

5. I have scrutinized the Case Diary.

6. Indeed there are incriminating materials in the Case Diary against the petitioner.

7. Investigation may be adversely affected if the petitioner is admitted to bail and insulated by an order of pre-arrest bail.

8. At this juncture, hence, I am hesitant to grant bail to the petitioner. Petition stands

rejected.

9. Send back the Case Diary.

JUDGE

Comparing Assistant