

GAHC010213112024



2024:GAU-AS:11692

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

**Case No. : AB/2771/2024**

PARITOSH NATH AND 3 ORS.  
S/O LATE GURAMONI NATH, VILL- JOYKRISHNAPUR, P.S.-LALA, P.O.-  
RONGPUR SOUTH, DIST- HAILAKANDI, PIN-788163

2: PARTHO PROTIM NATH @ PARTHO NATH  
S/O PARITOSH NATH  
VILL- JOYKRISHNAPUR  
P.S.-LALA  
P.O.-RONGPUR SOUTH  
DIST- HAILAKANDI  
PIN-788163

3: ANUP KUMAR NATH @ ANUP NATH  
S/O LATE ANIL KUMAR NATH  
VILL- RONGPUR PART-V  
P.O.-RONGPUR SOUTH  
P.S.-LALA  
DIST- HAILAKANDI  
PIN-788163

4: SAJAN KUMAR NATH @ SAJON NATH  
S/O DIGENDRA NATH  
VILL- RONGPUR PART-V  
P.O.-RONGPUR SOUTH  
P.S.-LALA  
DIST- HAILAKANDI  
PIN-78816

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. R A CHOUDHURY, MR. R A MAZUMDER

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

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**  
**ORDER**

**26.11.2024**

Heard Mr R A Choudhury, learned counsel for the petitioners, 1) Paritosh Nath @ Poritosh Nath, 2) Partho Protim Nath @ Partho Nath, and 3) Anup Kumar Nath @ Anup Nath, and 4) Sajjan Kumar Nath @ Sajon Nath, who have filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Lala PS Case No. 148/2024, corresponding to GR Case No. 582/2024, under Sections 61/331(4)/305(A)/296/74/115(2)/324(5)/351(2) of the BNS, 2023.

2. Heard Ms N Das, learned Additional Public Prosecutor appearing on behalf of the respondent/State.

3. I have considered the submissions at the Bar with circumspection.

4. The FIR unfolds that the informant donated land for “Sri Gauranga Mahaprabhu Akhra”. It is alleged that the petitioners along with some unknown miscreants have formed an illegal “Akhra Management Committee” with intent to displace the informant from her home and they have tried to encroach upon the petitioner’s land. On 30.06.2024, a mediation meeting at Lala Police Station was held between both the

parties, wherein the petitioners were advised to refrain from exercising pressure on the informant to vacate her land. However, on the fateful day, the petitioners trespassed into the informant's residence, damaged trees and other articles and threatened her with dire consequences and directed her to leave her residence within 3 or 4 days. The informant apprised the Abdullapur Outpost, about the incident. On 15.07.2024, an FIR was lodged with the Police regarding felling of trees by the petitioners, which was, however, not registered and thereafter, again on 24.07.2024, at around 01:00 am midnight, the petitioners and other miscreants armed with dangerous weapons broke into the informant's house and committed mischief and outraged the modesty of the informant's aunt and assaulted the informant's specially abled son and committed theft of 3 gas cylinders, and a cash of Rs. 35,000/- and a box and documents etc.

5. The learned Additional Public Prosecutor has submitted that the petitioners have appeared before the IO and they have cooperated with the investigation and their statements have been recorded.

6. I have also considered the submission that there is a prevailing land dispute between both the parties. The land referred to by the informant originally belonged to Ishwar Mahaprabhu Govindo Das Baishnav. It is submitted that not being the legal heirs of the donor Ishwar Mahaprabhu Govindo Das Baishnav, the informant tried to claim ownership over the disputed land and they have brought up a civil suit also against the former Managing Committee of the holy land, i.e., the land in dispute.

7. At present, the petitioners are on interim bail. They have appeared before the Investigating Officer. They have not violated any bail conditions. The petitioners are willing to abide by any stringent conditions, if imposed upon them.

8. Considering all aspects, the interim pre-arrest bail order dated 21.10.2024, is hereby made absolute under the conditions that-

- i) the petitioners shall appear before the IO within one week and cooperate with the investigation,
- ii) the petitioners shall appear before the IO on every fortnight, till completion of investigation, and
- iii) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

8.1. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

9. Anticipatory Bail Application stands disposed of.

10. Send back the Case Diary.

**JUDGE**

**Comparing Assistant**