

GAHC010235752024



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

Case No. : AB/2956/2024

RAMLAL RAJBHAR AND 2 ORS
S/O BISHWANATH RAJBHAR
R/O NO. 1 SAPKHAITI BHER, UDALGURI
DIST. UDALGURI, ASSAM
PIN-784509

2: MITHU RAJBHAR
S/O JHAGARU RAJBHAR
R/O NO. 1 SAPKHAITI BHER

UDALGURI
DIST. UDALGURI
ASSAM
PIN-784509

3: JOSEPH BASAUMATARI
S/OLT. PRAKASH BASUMATARI
R/O NO. 1 SAPKHAITI BHER
UDALGURI
DIST. UDLGURI
ASSAM
PIN-78450

VERSUS

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

Advocate for the Petitioner : MR. A BHATTACHARYA, MR S PAUL, MS. K MALAKAR, MR. A BHATTACHARJEE

Advocate for the Respondent : PP, ASSAM,

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

ORDER

Date : 26.11.2024

Heard Ms. K. Malakar, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State.

2. This application under Section 482 of the BNSS, 2023 has been filed by the petitioners, namely, 1. Sri Ramlal Rajbhar, 2. Sri Mithu Rajbhar and 3. Sri Joseph Basumatari, who are apprehending their arrest in connection with Udalguri P.S. Case No. 126/2024 under Sections 112(2)/318(4)/267 of the BNS, 2023.

3. The gist of accusation against the present petitioners, in brief, are that on 20.10.2024, one Kajal Tanti had lodged an FIR before the Officer-in-Charge of Udalguri Police Station, *inter-alia*, alleging that the petitioners and the accused persons named in the FIR, have organized a lottery in the name of development of Bhima Sankar Shiva Mandir located at No. 1, Sapkhaiti and it is alleged that they have cheated the purchaser of the lotteries by falsely declaring the results on 20.10.2024. It is also alleged that the petitioners have embezzled crores of rupees by announcing fake results.

4. The learned counsel for the petitioners has submitted that the allegations levelled in the FIR against the present petitioner are not true. She submits that the results of the lottery were declared duly on 20.10.2024.

5. It is also submitted that the petitioners are ready to cooperate with the investigation.

6. I have considered the submissions at the bar. I have also scrutinised the

case dairy. The petitioners have appeared before the Investigating Officer and they have co-operated with the investigation. The petitioners have not violated any bail conditions.

7. Considering all aspects, the interim order dated 11.11.2024 is hereby made absolute under the same terms and conditions.

8. Send back the case diary.

JUDGE

Comparing Assistant