

GAHC010259852024



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

Case No. : AB/3198/2024

JUGA PRASAD NATH
S/O LT. SHUKLESWAR NATH
R/O VILL- GUWALAGAON
P.S. KAMPUR
DIST. NAGAON, ASSAM
PIN- 782426

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R C DAS, A JUBARIA, MR. H RAHMAN, MR S HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13-12-2024

Heard Mr. R.C. Das, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor appearing for the State of

Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Uluani P.S. Case No.120/2024 registered under Sections 61(2)/308(2)/351(2)(3)/3(5) of the BNS.

3. One village head had got the information from somebody else that on 26.11.2024, one home guard, namely Manoj Saikia and the present petitioner being a police constable, had loaded some wood from a neighbouring village in a government vehicle. He also heard that the neighbouring villagers apprehended the petitioner and the said home guard and also the truck. After hearing these things, the informant being the village headman, lodged an FIR.

4. I have considered the submissions made by the learned counsel for both sides.

5. On a plain reading of the FIR, it is clear that the informant lodged the FIR after hearing about the facts from somebody else. In such circumstances, nobody deserves to be arrested and detained. Therefore, the prayer for bail application is allowed.

6. It is hereby directed that in the event of arrest of the petitioner in connection with Uluani P.S. Case No.120/2024 registered under Sections 61(2)/308(2)/351(2)(3)/3(5) of the BNS Act, the petitioner, namely Juga Prasad Nath shall be released on bail of ₹15,000/- with surety of like amount to the satisfaction of the arresting authority.

7. The petitioner is directed to appear before the Investigating Police Officer within next 10 (ten) days from today.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant