

GAHC010271442024



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

Case No. : AB/3373/2024

LAKHESWAR NATH
S/O BABUL DEB NATH
R/O DHING TOWN,
WARD NO. 4,
P.S. DHING,
DIST. NAGAON, ASSAM
PIN- 782123

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M AHMED, MRS S RAHANA, B DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.12.2024

Heard Mr. A.M. Ahmed, learned counsel appearing for the petitioner and Mr. D.P. Goswami, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail in respect of Dhing P.S. Case No. 260/2024.

3. The informant, Dibyajyoti Hazarika has alleged in the FIR that he was executing the work of construction of a community hall and in connection with the said construction work, under M.P. Fund ₹15 lakh was sanctioned. According to the informant, on 01.12.2024, his friend Ajit Das and himself were picked up by the present petitioner. All of them was going towards Batadrava. According to Dibyajyoti Hazarika, the present petitioner demanded ₹4 lakh from him. When Ajit Das and the present petitioner refused to pay the money to Dibyajyoti Hazarika, he was beaten up by them. Ajit Das ran away from that place, but Dibyajyoti Hazarika was dropped by the petitioner at Dhing market. It was alleged that the petitioner threatened Dibyajyoti Hazarika with a pistol.

4. The informant, Dibyajyoti Hazarika was executing the said work for which ₹15 lakh was sanctioned. Subsequently, the present petitioner and Ajit Das came to know that 60% of the bill amount sanctioned for construction of the community hall was received by Dibyajyoti Hazarika. Therefore, the present petitioner asked Dibyajyoti Hazarika to return his money, but Dibyajyoti Hazarika had returned only ₹50,000/-. On that issue, an altercation took place between them.

5. According to the present petitioner, the present FIR contains false allegations against him

6. I have considered the submissions made by the learned counsel of both sides. I have also gone through the materials available in the record.

7. This Court is of the opinion that at this stage, the petitioner does not deserve to be detained in custody. Therefore, his bail application is allowed.

8. It is hereby directed that in the event of arrest in connection with Dhing P.S. Case No. 260/2024, the petitioner Lakheswar Nath shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of arresting authority.

9. The petitioner shall co-operate with the Investigating Officer as and well called for.
10. With the aforesaid direction, the present bail application stands disposed of accordingly.

JUDGE

Comparing Assistant