

GAHC010271952024



2024:GAU-AS:13033

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

Case No. : AB/3348/2024

BOKTAR ALI
S/O- MANCHER ALI @ MONSER ALI,
VILLAGE- 1 NO HUDUMKHUTA, P.S- GOSSAIGAON, DIST- KOKRAJHAR,
ASSAM,

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MD A RAHMAN, MR A W AMAN, MR SARFRAZ NAWAZ, MS
SURAYA RAHMAN, SAMIM RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20-12-2024

Heard Mr. A. W. Aman, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner, namely, **Boktar Ali**, son of Mancher @ Monser Ali, resident of Village- 1 No. Hudumkhata, Police Station-Gossaigaon, District-Kokrajhar has filed this application under Section 482 BNSS seeking pre-arrest bail in

Gossaigaon Police Station Case No. 193/2024 corresponding to G.R. No. 218/2024 registered under Sections 303(2)/317(2)/3(5) BNS, read with Sections 13(1)/14 of the Assam Cattle Preservation Act, 2021.

3. As per the FIR dated 03.12.2024 lodged by the informant before the Officer-in-Charge of Gossaigaon Police Station, the case is that two of his bullocks, one red colour and one white colour were stolen on the night of 03.12.2024 and 04.12.2024 by some unknown miscreants from his cowshed.

4. Mr. Aman learned counsel for the petitioner submitted that one of the bullocks was recovered from the house of the FIR named accused No.5, namely, Moinul of Tokeyamari village and he has enmity with the said person and that is why he has been implicated in the case.

5. It is submitted on behalf of the petitioner that he is no way connect with the case and shall abide by any terms and conditions that may be imposed upon him on granting him pre arrest bail.

6. Perused the case diary produced before the Court today by Mr. B. Sarma, learned APP.

7. It is seen that three other accused persons involved in the case, have already been arrested and one of them has been released on bail yesterday. From the statements of the independent witnesses so far recorded by the concerned Investigating Officer of the case as well as the arrested accused persons, it is seen that they have implicated the present petitioner and that when the villagers chased the accused persons of the case, it is the petitioner along with FIR named accused persons No.5 leaving the red colour bullock, fled away with the white colour bullock, that was stolen from the cowshed of the informant. Said white colour bullock could not be recovered till date.

8. Considering such incriminating materials in the case diary against the petitioner with regard to his involvement in the crime, this Court is of the view that it is not a fit

case to grant pre-arrest bail to the petitioner in said **Gossaigaon Police Station Case No. 193/2024**.

9. Accordingly, this pre-arrest bail application of the petitioner, namely, **Boktar Ali**, son of Mancher @ Monser Ali, in said **Gossaigaon P.S. Case No. 193/2024 stand rejected**.

10. Return the case diary.

JUDGE

Comparing Assistant