

GAHC010286872023



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

**Case No. : AB/4249/2023**

BHOLA KUMAR @ BHOLA KUMAR PASWAN  
S/O- LATE LALBABU PASWAN, PERMANENT RESIDENT OF WARD NO. 06,  
RAGHUBARPUR, SAMASTIPUR, BIHAR-848160.

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE P.P., ASSAM

**Advocate for the Petitioner : MR. A BHATTACHARYA**

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

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA  
ORDER**

**19.02.2024**

Heard Mr. A. Bhattacharya, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Boko P.S. Case No. 608/2022, under Sections 328/376/392 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Bhattacharya, that the accused/petitioner is innocent and he has not committed such offence as stated in the FIR. It is a fact that the accused/petitioner and the informant developed love relationship; however, the petitioner was not aware of the fact that the informant was a married woman. It is contended by the petitioner that the informant asked him to book a hotel room because she was not in a position to stay in her parents' house due to some family dispute. Accordingly, the petitioner booked a hotel in his name. Subsequently, when the informant's husband came to know about their relationship, the accused/petitioner was assaulted with a sharp weapon, as a result of which he had to take medical treatment. Thereafter, the accused/petitioner went to lodge an FIR against the informant's husband, but, he was surprised that the informant had already lodged the FIR against him at the Boko Police Station and the Mendipathar Police Station was informed to look for him, however, on the said day he was not arrested by the Police. After getting the order of interim pre-arrest bail, the accused/petitioner has already appeared before the I.O. and recorded his statement under Section 161 Cr.P.C.. He is still ready and willing to co-operate with the I.O. in further investigation of this case if he is granted with the privilege of pre-arrest bail and therefore, it is prayed to make the interim pre-arrest bail order absolute.

In this context, the learned Additional Public Prosecutor, Mr. Das, has submitted that from the materials available in the Case Diary, it is seen that the accused/petitioner appeared before the I. O. after obtaining the interim pre-arrest bail and recorded his statement under Section 161 of Cr. P. C.

Thus, he raised no objection on the prayer made by the learned counsel for the petitioner.

After hearing the submissions of learned counsels for both sides as well as considering the materials available in the Case Diary, and the conduct of the petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail vide order dated 19.12.2023, is hereby made absolute with a direction to the accused/petitioner to co-operate with the I.O. in further investigation of the case.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

**JUDGE**

**Comparing Assistant**