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

Case No. : AB/2205/2026

BINAY SALOI
S/O JAGADISH SALAI
R/O VILLAGE KEKENIKUCHI
P.S. RANGIA
DIST. KAMRUP
ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR. R SARMA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE

HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.11.2026

Heard Mr. R. Sarma, learned counsel for the applicant and also heard Mr.

R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is preferred by the applicant, namely, Binay Salai, who has been apprehending arrest in connection with Rangia P.S. Case No.266/2026, under Section 61(2)/103(1) of the Bharatiya Nyaya Sanhita (BNS), 2023, for grant of the privilege of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR, lodged by one Marami Begum, on 16.08.2026. The essence of allegation made in the FIR, dated 16.08.2026, is that on 15.08.2026, at about 11:00 a.m., one Ruhul Amin, Karim Ali and Binoy Saloi, called her husband, Late Jahidul Islam to Kumarpata, Malipam, for having a lunch party, and approximately 16 persons attended the party and at about 6:00 p.m., she came to know that her husband died after taking lunch. But, she has not been informed and her husband was admitted at Rangia CHC, situated at Sahan and thereafter, they took him to Swasti Hospital and at Swasti Hospital her husband was declared dead. And after receiving information, she rushed there and noticed mark of injuries over the dead body and she came to know that her husband was assaulted during quarrel and threw him into the pond.

4. Mr. Sarma, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and it is a case of drowning and the applicant has falsely been implicated and that he is ready to cooperate with the investigating agency and will appear before the same as and when directed and under such circumstances, he has contended to allow this application.

5. Per contra, Mr. Baruah, learned Additional P.P. has produced the case diary

before this Court and submits that the I.O. has collected sufficient incriminating materials against the present applicant and that investigation is going on and the offences are serious in nature and if the applicant is granted the privilege of pre-arrest bail, it will cause serious prejudice to the investigating agency and under such circumstances, he has contended to dismiss the petition.

6. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some incriminating materials against the applicant. The offences are serious in nature and the investigation is going on and if the privilege of pre-arrest bail is granted to the applicant, then it will misdirect the investigation

8. And under such circumstances, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the present applicant. And accordingly, the anticipatory bail application stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant