GAHC010228602026

2026:GAU-AS:15494

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

Case No. : AB/2651/2026

YUNUSH AHMED ALIAS YOUNUS AHMED
SON OF LATE ABDUL KHALIK, RESIDENT OF VILLAGE MALIJIRI, P.O. MANIKGANJ, P.S. AND DISTRICT SRIBHUMI, ASSAM.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY, Z HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

13.10.2026

1. Heard Mr. H.R. Choudhury, learned counsel appearing for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for pre-arrest bail in connection with PRC Case No. 142 of 2026 corresponding to Sribhumi P.S. Case No.23/2026 registered under Sections 126(2)/296/115(2)/351(2)/ 113/3(5) of

the BNS, 2023 pending before the court of CJM, Sribhumi.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by one Abdul Basit stating *inter alia* that he had constructed his house on land belonging to his mother and that on 28.12.2025 the petitioners along with others damaged his house while arranging a picnic party. He further alleged that the petitioners along with others abused his father while some of the other accused persons assaulted his younger brother. Pursuant to the said FIR, a charge sheet was laid on 21.01.2026 against four accused persons including the petitioner while the remaining accused persons were discharged.

4. The learned counsel appearing for the petitioner submits that the petitioner had earlier moved an application for bail before the learned Additional Sessions Judge, FTC, Sribhumi which was rejected. He further submits that the learned trial court issued summons to the petitioner and subsequently issued a Bailable Warrant of Arrest (BWA) against him.

5. Mr. D.P. Goswami, learned APP appearing for the State of Assam submits that specific allegations have been made against the petitioner in the FIR.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that a bare perusal of the FIR indicates the existence of a land dispute between the parties and that the allegation against the petitioner, in the absence of any specific overt act attributed to him is limited to having abused the informant's father along with others, this Court is inclined to grant the petitioner the privilege of pre-arrest bail. Accordingly, the petitioner shall be released on bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one local surety of a like amount to the satisfaction of

the learned Chief Judicial Magistrate, Sribhumi subject to the following conditions:

(i) The petitioner shall positively appear before the Court within a period of 15 days from today,

(ii) The petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) The petitioner shall not leave his residence without prior permission of the Investigating Officer.

7. Accordingly, this Anticipatory Bail application is disposed of.

JUDGE

Comparing Assistant