

GAHC010276612025



2026:GAU-AS:339

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

Case No. : AB/2943/2025

MADAN BHARALI AND 4 ORS
S/O LATE SURJYA BHARALI
R/O VILL- KHAMAR, P.O. DHANGARGAON, P.S. PALASHBARI
DIST. KAMRUP, ASSAM

2: GOLAP BHARALI
S/O LATE SURJYA BHARALI
R/O VILL- KHAMAR
P.O. DHANGARGAON
P.S. PALASHBARI
DIST. KAMRUP
ASSAM

3: JITU BHARALI
S/O DHIREN BHARALI
R/O VILL- KHAMAR
P.O. DHANGARGAON
P.S. PALASHBARI
DIST. KAMRUP
ASSAM

4: RATUL BHARALI
S/O LATE RAM BHARALI
R/O VILL- KHAMAR
P.O. DHANGARGAON
P.S. PALASHBARI
DIST. KAMRUP
ASSAM

5: PRANAB SARANIA
S/O LATE NAGESWAR SARANIA
R/O VILL- KHAMAR
P.O. DHANGARGAON
P.S. PALASHBARI

DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : H CHOUDHURY, MR. M KASHYAP

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

08.01.2026

Heard Mr. M. Kashyap, learned counsel for the petitioners. Also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam appearing for the State respondent.

2. This application under Section 482 of BNSS, 2023 has been filed by the petitioners, namely, **1. Madan Bharali, 2. Golap Bharali, 3. Jitu Bharali, 4. Ratul Bharali, and 5. Pranab Sarania** seeking pre-arrest bail in connection with Palashbari P.S. Case No. 283/2025, under section 118(2)/103(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The case of the petitioners is that the informant Purna Das, son of Late Gobinda Das, resident of Khamar, P.S. Palashbari, Dist- Kamrup, Assam lodged an FIR on 12.11.2025 before the Palashbari Police Station stating inter alia that that the informant is the recorded holder of the land covered by Dag No. 189 of Patta No. 44, situated within the revenue village of Palashbari, Mouza

Dhaniparagaon, and that the accused individuals possess no status as co-pattadars of the said property. On 12.11.2025, at about 08.30 AM, the informant and his family were assaulted by the accused while attempting to harvest rice paddy on the said land. The Accused No. 4, Golap Bharali (Petitioner No. 2), beat and stabbed the Informant's brother, Sri Kandarpa Das, with a rod; Accused No. 5, Jitu Bharali (Petitioner No. 3), caused a cut injury to the Informant's son, Ujjal Das; Accused No. 1 inflicted a cut upon the Informant's son, Ranjan Das, which resulted in his demise at GMCH. The Accused No. 6, Ratul Bharali (Petitioner No. 4), assaulted the Informant's nephew, Girin Mali, with a rod. The aforesaid First Information Report was received by the officer-in-charge of the Palashbari Police Station and the same was registered as Palashbari P.S. Case No. 283/2025 under section 118(2)/103(2) of Bhartiya Nyaya Sanhita, 2023.

4. The learned counsel for the petitioners submitted that a false story has been made out in the FIR and there is disputes between them regarding land and the title suit is also pending between them. It is also submitted that the FIR was lodged by one of the wife of petitioner No. 1 on 12.11.2025 and in this regard, Palashbari P.S. case 284/2025 under Section 74/118 (2)/3(5) BNS was registered.

5. On the other hand, learned Additional Public Prosecutor with reference to the case diary has stated that there is sufficient incriminating material against all the present petitioners who attacked the deceased and other persons of the informant state in a concerted manner, which resulted in the death of the son of the informant.

6. Having regard to the material available in the Case Diary, and the gravity of

the offence, prayer for pre-arrest bail is rejected.

7. The Anticipatory Bail stands dismissed accordingly.

8. Send back the Case Diary.

JUDGE

Comparing Assistant