GAHC010048122026

2026:GAU-AS:16054

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

Case No. : AB/506/2026

ROFIQUL ISLAM AND 2 ORS
S/OLATE JOYNAL ABEDIN AKAND
VILL- AKANDER CHAR P.S.SUKCHAR, DIST. SOUTH SALMARA-MANKACHAR, ASSAM, PIN-783128

2: HASIDUR RAHMAN @ HAFIZUR ISLAM
S/O LATE JOYNAL ABEDIN AKAND
VILL- AKANDER CHAR P.S.SUKCHAR
DIST. SOUTH SALMARA-MANKACHAR
ASSAM, PIN-783128

3: SHABIR KHAN @ SOBIR KHAN
VILL- AKANDER CHAR P.S.SUKCHAR
DIST. SOUTH SALMARA-MANKACHAR
ASSAM
PIN-78312

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A Z AHMED, MR. A KHALEK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 03.11.2026.

Heard Mr. A.Z. Ahmed, learned counsel for the petitioners. Also heard Ms. S.H. Bora, learned Addl. P.P., Assam appearing for the State respondent.

This is an application under Section 482 of BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioners, namely, (i) Rofiqul Islam; (ii) Hasidur Rahman @ Hafizur Islam and (iii) Shabir Khan @ Sobir Khan who are apprehending arrest in connection with Sukchar P.S. Case No. 62/2025 registered under Sections 86(b)/90(2)/115(2)/135/61(2)/ 351(2)/137(2) of the BNS, 2023.

The report, as called for, is received from the I.O.

It is submitted by Mr. Ahmed, the learned counsel for the petitioners that the present petitioners are no way connected with the alleged offence and they are the uncle of the minor child who is allegedly stated to be kidnapped by the accused No.1 i.e. the father of the child/brother of the present petitioners. All the petitioners are on interim pre-arrest bail and they have cooperated with the I.O. and they are still ready to extend their cooperation, if they are granted with the pre-arrest bail. However, the present petitioners are not aware about the child who is allegedly stated to be kidnapped. The learned counsel further submitted that the entire dispute is between the accused No.1, who is the brother of the present petitioners and the victim/informant who is the wife of the accused No.1. But these petitioners are no-way connected with the alleged offence.

Ms. Bora, the learned Addl. P.P., Assam submitted in this regard that from the case diary it reveals that the present petitioners have cooperated with the I.O. but they did not say anything about the child or where about of the child. She further submitted that as per the report received from the I.O., the child is not yet recovered and still untraceable, though several efforts were made by the I.O. for recovery of the child. She further submitted that at present, the informant is also not traceable.

On perusal of the record and the case diary, it is seen that after obtaining the order of interim pre-arrest bail, the petitioners have extended their cooperation. However, it is a fact that till date, the child could not be recovered by the I.O. In the same time, it is also seen that the main accused i.e. the accused No.1/father of the child has already been released on bail and the present petition is pending since 11.03.2026 for disposal.

Hearing the submissions made by learned counsel for both sides and considering the materials in the case diary and conduct of the present petitioners, it is the opinion of this Court that the petitioners are entitled for pre-arrest bail. Further, the I.O. will be at the liberty to take appropriate step(s) for cancellation of bail, if anything is found against the present petitioners in kidnapping of the child, who is yet to be recovered.

In view of this, the order of interim pre-arrest bail granted to the present accused petitioners on 11.03.2026, is hereby made absolute in the same terms and conditions.

With the above observation, the present bail petition stands allowed and

disposed of.

Return back the case diary forthwith.

JUDGE

Comparing Assistant