

GAHC010055952026



2026:GAU-AS:4060

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

Case No. : Bail Appln./825/2026

KHAIRUL HUSSAIN AND ANR
S/O HABIBUL ISLAM
R/O VILL- DOTURI, P.S. BIJNI,
DIST. CHIRANG, ASSAM

2: KAD BHANU B EGUM
W/O HABIBUL ISLAM
RESIDENT OF VILL- DOTURI
P.S. BIJNI
DIST. CHIRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S HOQUE,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA
ORDER

Date : 20.03.2026.

Heard Mr. S. Hoque, learned counsel for the accused petitioners. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing on behalf of the State

respondent.

This is an application under Section 483 of BNSS, 2023 praying for grant of bail to the accused petitioners, namely, (1) Khairul Hussain who has been arrested on 28.12.2025 and (2) Kad Bhanu Begum who has been arrested on 12.01.2026, in connection with Bijni P.S. Case No. 148/2025, under Sections 80(2) of the BNS, 2023.

The case diary is received and perused the same.

It is submitted by Mr. Hoque, the learned counsel for the petitioners that the earlier bail petition for the present accused petitioners was rejected by this Court vide order dated 18.02.2026. However, the present petitioners are not involved with any such offence as alleged against them in the FIR and the victim had made a dying declaration as to why she took such steps of committing suicide. Mr. Hoque, the learned counsel further submitted that the accused petitioner No.1 is in custody for last 83 days and the accused petitioner No.2 is in custody for last 67 days. So considering their length of detention, the present bail petition may be considered, as the police had the opportunity to interrogate the present petitioners for a reasonable period. However, the petitioners are still ready and willing to extend their cooperation in further investigation of this case, if they are granted with the privilege of bail.

Mr. Borthakur, the learned Addl. P.P., Assam submitted in this regard that while rejecting their earlier bail petition, on perusal of the case diary, every detail of the case has been discussed and it is also seen that from the note of the I.O. as well as the materials available in the case diary that the dying declaration which

is stated to be made by the deceased was recorded on 09.02.2026, though the incident had happened in the month of December, 2025. More so, there is a detail note of the from where it is seen that the said dying declaration is doubtful and it was stated to be made by the deceased in a very suspicious condition. However, Mr. Borthakur, the learned Addl. P.P., Assam submitted that there is sufficient progress in the investigation but the evidence of the Doctor as well as the final FSL report is yet to be collected by the I.O.

Considering the submission of learned counsel for both sides, it is seen that the earlier bail application of the present accused petitioners was rejected by this Court, wherein the detail discussion was made in regard to the merit of the case. But without going detail into the further merit of the case, this Court is of the opinion that the petitioners are behind the bar for a considerable period and from the note of the I.O. as well as from the materials in the case diary, it can be held that there is no possibility of filing the charge sheet within 6/7 days i.e. within the statutory period. Accordingly, only considering their length of detention undergone by the present accused petitioners, they are allowed to go on bail, on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only with one surety of like amount for each of them, to the satisfaction of the learned SDJM (M), Bijni, subject to the following conditions:

- (i) that the petitioners will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (ii) that the petitioners will not leave the jurisdiction of the learned

SDJM (M), Bijni, without prior permission, and

(iii) that the petitioners will submit copy of their Aadhar Card and PAN Card before the learned SDJM (M), Bijni.

In terms of above, this bail application stands allowed and disposed of.

JUDGE

Comparing Assistant