GAHC010184102026

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

Case No. : AB/2031/2026

HAJARAT ALI AND 4 ORS.
S/O LATE KERAMAT ALI BEPARI,
P/R POKALAGI PART-I, P.O. POKALAGI, P.S. GOLAKGANJ PIN-783335, DIST. DHUBRI, ASSAM

2: MOSLEM ALI
S/O HAJARAT ALI
P/R POKALAGI PART-I
P.O. POKALAGI
P.S. GOLAKGANJ PIN-783335
DIST. DHUBRI
ASSAM

3: SADEK ALI
S/O LATE KERAMAT ALI
P/R POKALAGI PART-I
P.O. POKALAGI
P.S. GOLAKGANJ PIN-783335
DIST. DHUBRI
ASSAM

4: RAHUL HOQUE
S/O SADEK ALI
P/R POKALAGI PART-I
P.O. POKALAGI
P.S. GOLAKGANJ PIN-783335
DIST. DHUBRI
ASSAM

5: ISLAM BEPARI
S/O AYSHAL BEPARI
P/R POKALAGI PART-I
P.O. POKALAGI
P.S. GOLAKGANJ PIN-783335

DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MRS. K DEVI, MS. K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 13.10.2026

Heard Ms. K Devi, learned Counsel for the petitioners and Mr. DP Goswami, learned Additional Public Prosecutor for the State.

2. By this application, the petitioners five in numbers have prayed for pre arrest bail in connection with Golakganj P.S. Case No. 181/2026 registered under Sections 329(4)/ 64(1)/ 118(2)/ 117(4)/ 303(2)/ 3(5) of BNS, 2023. The FIR in connection with which the petitioners are apprehending arrest was lodged by the victim herself stating inter alia that when her husband was absent, the accused no.1 arrayed as such in the FIR entered her house when she went outside to defecate in the night hours and then when she came back and slept, the said accused no.1 had raped her. She also stated that when she shouted other accused persons i.e. the

petitioners entered into her house and after beating her up looted articles from her house along with cash.

3. The learned Counsel for the petitioners submits that the petitioners are the relatives of the informant and that on an earlier occasion too, the informant had lodged an FIR, which was however settled by the village elders.

4. Mr. DP Goswami, learned Additional Public Prosecutor for the State on the other hand on perusal of the Case Diary submits that the witnesses have stated that the informant and the accused no.1 had a relationship and that the villagers angered by the same had surrounded the house and in the process some persons were alleged to have looted articles. However, he submits that the victim lady in her statement before the Magistrate had stated that the petitioners have assaulted her.

5. Upon consideration of the submissions made by the learned Counsel for the parties, this Court finds that no overt acts were mentioned in respect of the petitioners. It is also seen that the petitioners were enlarged on pre arrest bail by order dated 28.08.2026 on the condition that the petitioners should appear before the Investigating Officer and give their statements and the learned Additional Public Prosecutor on perusal of the Case Diary submits that the petitioners have appeared and their statements were recorded. As such, this Court finds that the petitioners are cooperating with the investigation and accordingly order dated 28.08.2026 is made absolute on the following conditions:

i) the petitioners will appear before the Investigating Officer as and when called for.

ii) the petitioners will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iii) the petitioners will not leave the place of jurisdiction without the permission

of the Arresting Authority.

6. Petition is disposed of.

JUDGE

Comparing Assistant