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

Case No. : AB/2271/2026

AMJAD KHANDAKAR ALIAS AMJAD ALI KHANDAKAR AND ANR
S/O SHAHID KHANDAKAR, VILLAGE KATLA, P.S. PATACHARKUCHI,
DISTRICT BAJALI, ASSAM.

2: KOMAR UDDIN KHANDAKAR
S/O MATIBAR RAHMAN
VILLAGE KATLA
P.S. PATACHARKUCHI
DISTRICT BAJALI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:INTAJ ALI BHUYAN
S/O LALMAMUD BHUYAN
VILLAGE KATLA
P.S. PATACHARKUCHI
DISTRICT BAJALI
ASSA

Advocate for the Petitioner : MR. R ALI, MISS. S PARBIN,MR H A AHMED

Advocate for the Respondent : PP, ASSAM, MD A RAHMAN(R2),A MISHRA(R2),MR SARFRAZ NAWAZ(R2),MR A W AMAN(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 02.11.2026

Heard Mr. R. Ali, learned counsel for the accused/applicants. Also heard Mr. K. K. Parashar, learned Additional Public Prosecutor appearing for the State of Assam and Mr. A. Rahman, learned counsel for the respondent No.2.

2. This is an application under Section 482 of the BNSS, 2023 whereby the accused/applicants, namely, 1. Amjad Khandakar @ Amjad Ali Khandakar and 2. Komar Uddin Khandakar are seeking Anticipatory Bail apprehending arrest in connection with an FIR, which is registered as Patacharkuchi Police Station case No. 136/2026, registered under Sections 61(2)/65(1)/103(1) of BNS, 2023 read with Section 6 of the POCSO Act and read with Section 67 (A) IT Act.

3. An FIR was lodged on 29.08.2026 before the Officer-In-Charge of Bhawanipur Out Post by one Intaj Ali Bhuyan, the father of the victim girl alleging *inter-alia* that his minor daughter was lured into a false love relationship by the accused Jahid Khandakar and thereafter taking her into an abundant house in the middle of a field in village-Katla, sexually exploited her. It is also alleged that the accused secretly video graphed the sexual exploitation with the mobile phones of the accused and thereafter, he sent the video to the victim's brother-in-law namely, Muzamil Hoque.

4. The informant got to know about the incident from the victim's brother-in-law.

5. It was also alleged that on 24.08.2026, the accused person had threatened the informant that if he disclosed anything then he would be facing dire consequences. Subsequently, on 26.08.2026 the accused person compelled

his daughter to leave his house however, she was called again to the disserted house and committed rape on her again on the pretext of a false marriage. It was also alleged that after the commission of rape, the victim was forced to consume certain poison and thereafter the accused person fled away.

6. It is alleged that the informant's daughter somehow returned to home in a serious condition and disclosed the alleged incident to the family. The family members immediately brought her to the Pathsala Hospital in a serious condition and then she was referred to Barpeta Medical College and Hospital for better treatment. It is alleged that on the same day i.e. on 26.08.2026 at about 8.30 p.m, the victim died in the Hospital. It is also alleged that Kumuruddin Khandikar, the brother of the accused person had assisted the accused in commission of the said crime. It is alleged that other brother Amjad Ali Khandakar had met the daughter of the informant and he threatened to kill her.

7. Upon receipt of the FIR police registered Patacharkuchi Police Station Case No. 136/2026 under the aforementioned Sections.

8. The learned counsel for the accused/applicants submits that the accused/applicants are the brothers of the main accused, namely, Jahid Khandakar, who has already been arrested by the police. He submits that the accused/applicants are no way involved in any of the offences as alleged in the FIR. He submits that the accused applicants therefore should be granted pre-arrest bail at this stage.

9. Mr. K.K. Parasar, learned Additional Public Prosecutor, on the other hand opposes the prayer for bail.

10. Case Diary in the instant case as called for has been received and perused the same.

11. Mr. A.R. Rahman, learned counsel appearing for the respondent No.2, informant has opposed the prayer for bail stating that the accused/applicants herein are involved in commission of offence as alleged in the FIR.

12. This Court has heard the submissions made by the learned counsel for the respective parties and has also gone through the case diary that has been produced before this Court.

13. Taking into account the entire facts of the case and the fact that the main accused in the instant case has already been arrested by police, the accused/applicants should be given the privilege of pre-arrest bail at this stage. Accordingly, it is directed that in the event of arrest of the accused/applicants by the investigating authority in connection with Patacharkuchi Police Station case No. 136/2026, they shall be released on pre-arrest bail on furnishing of bail bond of Rs.50,000/- (Rupees fifty thousand) only each with one surety each of like amount to the satisfaction of the Arresting Authority subject to the following conditions:-

1. That the accused/applicants shall appear before the Investigating Officer within a period of 10(ten) days from today and such other dates as required; and co-operate with the investigation as and when required;

2. That the accused/applicants shall not hamper or tamper with the investigation in any manner; and

3. That the accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such

facts to the Court or to any police officer in connection to this Police Station Case.

14. In terms of the aforesaid directions, the instant Anticipatory Bail Applications stands disposed of as allowed.

15. Send back the case diary.

JUDGE

Comparing Assistant