GAHC010211642026

2026:GAU-AS:16688

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

Case No. : AB/2424/2026

NUR HOQUE ALI ALIAS NUR HAQUE ALIAS SOPNA
S/O RUSTAM ALI R/O VILLAGE NO 2 KUMALIA P O PANIBHARAL PIN 784176 P S BISWANATH CHARIALI DISTRICT BISWANATH ASSAM.

VERSUS

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

2:MD JAYNAL ABDIN
S/O LATE SURUJ ALI R/O VILLAGE NO 1 CHALIA SAPORI P O PANIBHARAL PIN 784176 P S BISWANATH CHARIALI DISTRICT BISWANATH ASSA

Advocate for the Petitioner : P BORDOLOI, B S OZAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.11.2026

Heard Ms. R. Borah, learned counsel appearing on behalf of Mr. P. Bordoloi, learned counsel for the accused applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam as well as Mr.

A.M. Ahmed, learned counsel appearing for the respondent No.2.

2. This is an application under Section 482 of the BNSS, 2023 whereby the accused/applicants namely, Nur Hoque Ali @ Nur Haque @ Sopna is seeking Anticipatory Bail apprehending arrest in connection with an FIR, which is registered as Sessions (POCSO) Case No. 14/2026 arising out of Biswanath Chariali Police Station Case No. 107/2026 registered under Sections 140(3)/70(2) of BNS, 2023 read with Section 6 of the POCSO Act, 2012.

3. An FIR was lodged on 25.05.2026 before the Officer-In-Charge, Biswanath Chariali Police Station, Biswanath Chariali by the informant namely, Md. Joynal Abdin alleging that his minor daughter was missing from home since 23.05.2026. On the next date he got an information that his daughter was in Biswanath Chariali Police Station. On reaching the Police Station, he came to know that his daughter was taken by 1. Jiabur Islam, 2. Asikul Ali, 3. Jamil Haque, 4. Jamar Uddin and 5. Saiful Hussain, and thereafter, committed gang rape on her alongwith some other persons. She was rescued by the villagers of No.2 Kumolia village when she was found lying on a paddy field.

4. On receipt of the FIR, the police registered the Biswanath Chariali Police Station Case No. 107/2026 under the aforementioned sections.

5. The charge sheet in the instant case has been filed on 25.07.2026, however, the charges are yet to be framed in the instant case.

6. Ms. R. Borah, learned counsel for the accused applicant submits that the accused applicant is not involved in the instant case and he is not named in the FIR, however, police is searching for him on suspicion of being involved in the instant case. Therefore, she submits that the accused applicant should be

granted the privilege of pre-arrest bail and he is willing to co-operate with the trial.

7. Trial Court Records of the instant case has been received and perused the same.

8. Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam has opposed the prayer for bail stating that heinous crime of gang rape has been committed upon a minor and the charges are yet to be framed in the instant case and therefore, no bail at this stage may be granted. Mr. A. M. Ahmed, learned counsel representing the respondent No.2 has also supported the submission made by the learned Addl. P.P in the instant case.

9. This Court has considered the submissions made by the learned counsel appearing for the respective parties and have gone through the materials available in the Trial Court Records.

10. Taking into account the entire facts of the case as well as the fact that charge-sheet has been filed only on 25.07.2026 and charges are yet to be framed, this Court does not find any merit in the prayer for anticipatory bail and therefore, the instant anticipatory bail application is dismissed.

11. Accordingly, the instant anticipatory bail application is rejected and disposed of.

JUDGE

Comparing Assistant