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

Case No. : Bail Appln./3089/2026

KAHINUR ISLAM ALIAS KAHINUR ALI
S/O- KERAMAT ALI, VILLAGE - GUTIPARA PART-IV,P.S. BILASIPARA,
DISTRICT- DHUBRI, ASSAM, PIN-783349.

VERSUS

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

2:RAJI BIBI
W/O OF SAHAR ALI PRAMANIK
RESIDENCE OF VILLAGE GHORAMARA
BHODGAON
P.S DIST - KOKRAJHAR
ASSAM PIN - 783370

Advocate for the Petitioner : MR. M U MAHMUD, MR S H MAHMUD,Z A HASHEM

Advocate for the Respondent : PP, ASSAM, DARAK ULLAH, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 11.11.2026

Heard Mr. M. U. Mahmud, learned counsel for the accused applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State

of Assam and Mr. D. Ullah, learned *Amicus Curiae* for the respondent No.2.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicant namely **Kahinur Islam @ Kahinur Ali** in connection with Kokrajhar Police Station Case No.91/2026 corresponding to Special (P) Case No. 34/2026 registered under Sections 127(4)/137(2)/64(1) of BNS read with Section 6 of POCSO Act.

3. The allegations as alleged in the FIR dated 14.06.2026 lodged by the informant is that her minor daughter was taken away by the accused No.1 from the road way to Ghoramara and thereafter she was raped by the accused No.1. It is alleged that the accused applicant was already married to another lady and inspite of that he wanted to have relationship with the informant's daughter.

4. On receipt of the FIR, the police registered the Kokrajhar Police Station Case No.91/2026 under the aforementioned sections.

5. Upon completion of the investigation, the police filed the charge-sheet on 28.06.2026, and the charge under the relevant offence was framed against the accused-applicant on 14.07.2026. Thereafter, the trial proceeded and, as per the records, 4 (four) P.Ws. out of the 8 (eight) P.Ws. named in the charge-sheet have been examined till date.

6. Mr. M. U. Mahmud, learned counsel for the accused-applicant, submits that the accused-applicant has been behind bars for the last 146 days and that the vital witnesses in the instant case, namely, P.W.1 and P.W.2, being the victim and the informant, respectively, have already been examined. Therefore, considering the period of detention of 146 days, the accused-applicant may be granted bail at this stage. He further submits that the accused-applicant is a 20-

years old boy and has a family to look after.

7. The Trial Court Records of the instant case have been received and the same is perused.

8. Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam, has opposed the prayer for bail, submitting that the trial is proceeding at a reasonable speed and is likely to be completed soon. Therefore, bail may not be granted at this stage. Mr. D. Ullah, learned counsel representing respondent No. 2, has also supported the submissions made by the learned Additional Public Prosecutor in the instant case.

9. This Court has gone through the records available in the Trial Court Records. This Court has taken note of the fact that the statements of the victim as well as the informant are very consistent. The charges have been framed only on 14.07.2026, and out of the 8 (eight) witnesses named in the charge-sheet, 4 (four) have already been examined. Therefore, it is expected that the trial shall be completed within a reasonable time, bringing in the logical conclusion of the trial.

10. Taking into account the aforesaid facts, this Court is not inclined to grant relief to the accused/applicant at this stage. Accordingly, the prayer for bail stands rejected.

11. In terms of the above, the instant bail application is dismissed.

JUDGE

Comparing Assistant