GAHC010217822026

2026:GAU-AS:16456

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

Case No. : AB/2520/2026

MIZANUR RAHMAN
SON OF ABDUL KADER, RESIDENT OF KHARDHARA, P.S. BARPETA, P.O. KHARDHARA, PIN 781309, DISTRICT BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M RAHMAN, H AHMED,R J OJAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 10.11.2026

Heard Mr. M. Rahman, learned counsel appearing on behalf of the accused-applicant. Also heard Mrs. A. Begum, learned Addl. PP, representing the State respondent.

2. This is an application, under Section 482 of BNSS, 2023, seeking pre-arrest

bail by the accused-applicant in connection with Barpeta P.S. Case No. 137/2026, registered under Sections 109(1)/126(2)/76/117(2)/351(2)/3(5) of BNS, 2023.

3. An FIR was lodged on 14.04.2026 by the informant, inter alia, alleging that on 14.04.2026, at about 7:00 PM, the accused-applicant, namely, Mizanur Rahman, took the informant's son from the front yard of her house on the pretext of giving him some chocolate from a nearby shop. It was alleged that the accused-applicant no. 1, thereafter, took him to an isolated place and tried to strangulate him. When her son raised hue and cry, the accused-applicant fled away.

4. On receipt of the FIR, the police registered Barpeta P.S. Case No. 137/2026, under the aforementioned sections.

5. The learned counsel for the accused-applicant submits that in terms of an interim order passed by a coordinate bench of this court, vide order dated 27.04.2026, the accused-applicant had appeared before the Investigating Officer and his statement has also been recorded. He submits that the police have not filed any charge-sheet in the instant case, though seven (7) months have passed after filing of the FIR. He submits that, the other co-accused persons have already been released on bail by this Court. He further submits that the boy had received only simple injury and he has recovered long time back. Therefore, he submits that the accused-applicant should be granted pre-arrest bail.

6. Case Diary in the instant case has been received and the same is perused.

7. The learned Addl. PP, on the other hand, opposes the prayer of bail of the accused-applicant.

8. Taking into account the entire facts of the case and the materials available in the Case Diary, this court is of the considered opinion that the accused-applicant

should be granted pre-arrest bail. Accordingly, it is directed that in the event of arrest of the accused-applicant by the investigating authority in connection with the instant case, he shall be released on pre-arrest bail on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with a surety of like amount to the satisfaction of the arresting authority, subject to the following conditions: -

(1) That the accused-applicant shall appear before the Investigating officer within ten (10) days of passing of the order and fully co-operate in the investigation of the case.

(2) The accused-applicant shall neither hamper the investigation nor tamper with any evidence nor influence any witnesses connected with the case.

9. In view of the aforesaid directions, the instant anticipatory bail application is disposed of as allowed.

JUDGE

Miriam Degu
(SPA)