GAHC010224802026

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

Case No. : AB/2552/2026

MIYA CHAN ALI @ MIA CHANDA AND ORS
S/O- MD. ABDUL KADER.
R/O- VILL.- MAIRAJHAR GAON, P.S.- GOBARDHANA, DIST.- BAKSA,
ASSAM

2: RAKMAN ALI @ ABDUR RAHMAN
S/0- CHENGA MIA @ SAMEJ.
R/O- VILL.- MAIRAJHAR GAON
P.S.- GOBARDHANA
DIST.- BAKSA
ASSAM

3: JAHIDUL ISLAM
S/O- SAMSUL HUDA.
R/O- VILL.- MAIRAJHAR GAON
P.S.- GOBARDHANA
DIST.- BAKSA
ASSAM

4: AMINUL HOQUE @ AMINUR RAHMAN
S/O- ABDUI AZIZ ALL .
R/O VILL. MAIRAJHAR GAON
P.S. GOBARDHANA
DIST.- BAKSA
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS D DAS, MS K TAYE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 13.10.2026

Heard Ms. D. Das, learned counsel for the accused applicants. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State.

2. This is an application under Section 482 of BNSS, 2023 praying for granting pre-arrest bail to the accused-applicants, namely 1) Miya Chan Ali @ Mia Chanda 2) Rakman Ali @Abdur Rahman 3) Jahidul Islam and 4) Aminul Hoque @ Aminur Rahman in connection with Barpeta Road P.S. Case No.101/2026 registered under Sections 329(3)/296/74/ 117(2)/351(2)/109(1)/ 3 (5) of BNS, 2023.

3. The gist of the case is that on 01.09.2026, one Jamila Khatun lodged an FIR before the Officer-In-Charge of Barpeta Road Police Station on 17.08.2026 alleging that at around 7 am while her husband was out, taking advantage of his absence, the accused applicant No.1 trespassed into her house and attempted to rape her. When she resisted, the accused applicant No.1 assaulted her . It is also alleged that her husband was called over phone and when her husband came back, the accused persons hit him on his head causing serious injuries. Afterwards, other accused persons came with sticks and injured her husband.

4. On the basis of the FIR, police registered Barpeta Road P.S. Case No.101/2026 under the aforementioned Sections.

5. In fact, one FIR was lodged by Abdur Rahman @ Rakman Ali, the accused No.2 in the FIR dated 01.09.2026, before the Gobordhana Police Station, alleging that there was an assault by the accused persons named in the FIR upon Lal Chan Mia. She submits that in fact due to filing of the FIR against the accused persons, the informant has filed the instant FIR in revenge. Therefore, she submits that the accused applicants should be granted the privilege of pre-arrest bail at this stage. She further submits that the accused applicants shall cooperate with the investigation.

6. The learned Additional Public Prosecutor has opposed the prayer for pre-arrest bail submitted that case diary in the instant case should be perused before granting pre-arrest bail to the accused applicants.

7. This Court has taken into account the submissions made by the learned counsel appearing for both sides.

8. However, taking into account the nature of offence as alleged as well as the fact that an FIR was earlier lodged by the accused applicants against the informant in the instant case, this Court is of the considered view that the accused applicants should be granted the privilege of pre-arrest bail.

9. Accordingly, it is directed that in the event of arrest of the accused applicants named above, they shall be released on pre-arrest bail on furnishing bail bond of Rs.20,000/- each with a surety of like nature to the satisfaction of the Arresting Authority in connection with the aforementioned case subject to the following conditions:-

(i) the accused applicants shall appear before the Investigating Officer within 10 days from today;

(ii) the accused applicants shall cooperate with the investigation and make

themselves available as and when called for;

(iii) the accused applicants shall not tamper or hamper with the investigation of the case, in whatsoever manner.

10. In view of the above, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant