GAHC010231522026

2026:GAU-AS:16457

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

Case No. : AB/2647/2026

MIZANUR RAHMAN AND 4 ORS.
S/O LATE KHANDAKAR WAZED ALI, R/O VILL MANDIA BAZAR, PS BAGHBAR, DIST BARPETA, ASSAM

2: AZAD ALI
S/O BOX MANDAL
R/ VILL KACHUMARA NC
PS KACHUMARA
DIST BARPETA
ASSAM

3: AMZAD ALI
S/O BOX MANDAL
R/O VILL KACHUMARA NC
PS KACHUMARA
DIST BARPETA
ASSAM

4: BAHAJ UDDIN
S/O AMZAD ALI
R/O VILL KACHUMARA NC
PS KACHUMARA
DIST BARPETA
ASSAM

5: HAYET ALI
S/O AMZAD ALI
R/O VILL KACHUMARA NC
PS KACHUMARA
DIST BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MD A ALI, MR. M HOQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 10.11.2026

Heard Mr. N.J. Dutta, learned counsel appearing on behalf of the accused-applicants. 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-applicants in connection with PRC No. 375/2022, arising out of Kachumara P.S. Case No. 190/2019, registered under Sections 120(B)/448/366 of IPC.

3. The allegations against the accused-applicants are that the accused-applicant no. 1, namely, Mizanur Rahman, proposed to marry the informant's daughter, however, the informant rejected the proposal some time ago, since his daughter was a minor. On such rejection, the accused-applicant no. 1, along with other accused persons, unlawfully tried to kidnap the informant's minor daughter with the help of a motorcycle. However, when the informant's daughter raised hue and cry and villagers came in, the accused-applicants left her behind and fled away.

4. On receipt of the FIR, the police registered PRC No. 375/2022, arising out of

Kachumara P.S. Case No. 190/2019, under the aforementioned sections. After completion of the investigation, police filed charge-sheet, wherein the accused-applicants have been shown as 'absconder', In view of the filing of the charge-sheet, the matter was taken up by the learned CJM, Barpeta, on 30.01.2026 and finding the accused-applicants absent without any steps, NBWAs have been issued against them.

5. The learned counsel for the accused-applicants submits that the accused-applicants are ready to appear before the Trial Court on the next date fixed, i.e., on 12.11.2026. Therefore, he submits that the accused-applicants should be granted pre-arrest bail so that they can appear before the Trial Court.

6. TCR 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-applicants.

8. This Court, after going through the materials available in the TCR as well as considering the submissions made by the learned counsel appearing for the parties, is of the considered opinion that the accused-applicants should be granted 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 the instant case, they shall be released on pre-arrest bail on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each with a surety of like amount to the satisfaction of the CJM, Barpeta, subject to the following conditions:

(1) That the accused-applicant shall appear before the learned court of CJM, Barpeta, on the next date fixed, i.e., on 12.11.2026 without fail and fully co-operate in the investigation of the case.

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

JUDGE

Miriam Degu
(SPA)