GAHC010238852026

2026:GAU-AS:16306

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

Case No. : AB/2746/2026

JAHIRUL ISLAM KHAN
S/O LATE JALAL UDDIN KHAN, R/O VILL- ALITANGANI, P.S.- JURIA, DIST.- NAGAON, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K DAS, MS. P DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

06.11.2026

Heard Ms P Das, learned counsel for the petitioner and Ms A Begum, learned Additional Public Prosecutor for the State of Assam.

2. By this application the petitioner has prayed for pre-arrest bail in connection with Lumding GR PS Case No. 54/2026, registered under Sections 303(2)/351(2) (3) as well

as 117(2) the BNS, 2023.

3. The First Information Report in connection with which the petitioner is apprehending his arrest, was lodged by the informant/victim, stating, *inter alia,* that while he was travelling by train on 17.08.2026, carrying a piece of gold measuring 350 grams, given to him by his uncle, the petitioner who was a Police personnel, but not in uniform with a metal detector, came alone near the informant, and told him to go to the washroom with the bag and upon reaching the petitioner is alleged to have snatched the said gold piece from his bag and had slapped him and threatened him to put him in jail if he informs about the matter to anyone. It is also stated by the informant that the petitioner had threatened him to shoot by his gun, if the informant creates any scene in the train.

4. The learned counsel for the petitioner submits that the facts narrated in the FIR are concocted in nature, as she submits that the petitioner did not have a gun at that point of time and that he was carrying only a metal detector and that it is a concocted case that he had dragged the informant to the washroom and snatched the gold piece. She further stated that the petitioner was enlarged on interim pre-arrest bail by order dated 10.09.2026, by this Court and in compliance with the directions given in the said interim pre-arrest bail order, the petitioner had gone before the Investigating Officer, but his statement was not recorded. She further submits that during the proceeding of the earlier bail application when the Court had asked for a report from the Police Officer, as to why

his statement was not recorded, and on receiving the said query, the Police Officer had recorded the statement of the petitioner on 26.09.2026. She also submits that the petitioner is a Constable and was not carrying any firearm at the relevant time. However, she submits that when his previous bail application was listed for final hearing, the same was rejected by this Court by order dated 30.09.2026. She submits that the petitioner is suffering from ailment and the same being the new ground, she has filed the second bail application before this Court.

5. Ms A Begum, learned Additional Public Prosecutor, however, on perusal of the Case Diary submits that the petitioner has not cooperated with the investigation when he was last enlarged on interim pre-arrest bail. She, however, submits that the allegation made against the petitioner is very serious in nature and that due to his non-cooperation with the Investigating Officer, he may not be released on bail.

6. Upon consideration of the submissions made by the learned counsels for all the parties, more so, in view of the fact that the petitioner was examined by the Investigating Officer, on 26.09.2026, and also in view of the fact that no witnesses examined by the Investigating Officer had stated that they have seen the petitioner dragging the informant to the washroom, this Court deems it fit enlarge the petitioner on pre-arrest bail on furnishing a bail bond of Rs. 20,000/-, with one local surety of the like amount, to the satisfaction of the arresting authority, under the following conditions:-

i) the petitioner shall appear before the Investigating Officer within a period of 15

(fifteen) days from the date of the order and shall appear as and when called for;

ii) the petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

iii) the petitioner shall not leave their residence without prior permission of the Investigating Officer.

7. Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant