

GAHC010029552026



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

**Case No. : AB/347/2026**

RAKIBUL ISLAM  
SON OF SAFIUR RAHMAN RESIDENT OF VILLAGE KALJHAR, P.O.  
BARBALA, PIN-781316 P.S. HOWLY, DISTRICT-BARPETA, ASSAM

VERSUS

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

2:ABDUR ROUF KHAN (INFORMANT)  
SON OF LT. DAULAT KHAN RESIDENT OF VILLAGE-KALJHAR P.O.  
SUKMANAH  
PIN-781316 P.S. HOWLY  
DISTRICT-BARPETA  
ASSAM MOBILE NO.763708821

**Advocate for the Petitioner** : MR G JALAN, T TAKU, S FAZIL

**Advocate for the Respondent** : PP, ASSAM, MR D GOGOIG MUSHAHARY(R2), SHAHIR KHAN(R2), MR UNUSH KHAN(R2)

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA**

**ORDER**

**Date : 01.04.2026**

Heard Mr. G. Jalan, learned counsel for the petitioner and Mr. M.P. Goswami, learned Addl. Public Prosecutor, Assam for the State respondent No.

1.

2. This is the second application under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 filed by the petitioner namely, **RAKIBUL ISLAM**, praying for pre-arrest bail, apprehending arrest in connection with **Howly P.S. Case No. 91/2025 under Sections 137(2)/ 351(2) of the BNS, 2023 read with Sections 6 and 8 of POCSO Act.**

3. The allegation as reflected in the FIR is that the victim, who is the daughter of the informant and was studying in Class- IX and aged about 15 years, was kidnapped on 21.06.2025 by two persons viz. Rakibul Islam and Abdur Rahman and took her to the garage of the present petitioner, situated near Howly and thereafter the present petitioner was the driver transported her in the car and went to the house of the accused Shahidul Islam situated at Haripur Goan, Tarabari where the main accused Abdur Rahman forcefully committed sexual intercourse with her.

4. On perusal of the case diary, it is submitted by the learned Addl. P.P. that the allegation against the present petitioner, who is a driver cooperated with the main accused for committing such an offence.

5. It is submitted on behalf of the petitioner that he has been falsely implicated in this case, inasmuch as, no any ingredients of the offence of POCSO Act is alleged against the petitioner in the FIR and he has no role in taking the victim girl from her house either as such no ingredients of kidnapping is also attracted. Further, the FIR has been lodged with a sinister design to extract money from the father of the accused No. 1. The instant case has in fact been lodged after about 40 days of the alleged incidence. It is furthermore highly improbable that at night hours at 10.20 p.m. a boy of 21 years could

enter a house and lift a girl of 15 years on his shoulder and jump the wall. It is further alleged in the FIR that the accused No. 1 has kidnapped the girl of the informant of which the informant could learn immediately at night hours, when no one had seen the incidence and the informant directly went to the house of the Accused No. 1 and at the request of the father of the petitioner on the phone call, the Accused No. 1 came back with the girl on the same night.

**6.** It is further submitted that the accused No. 1 Abdur Rahman and the victim i.e. the daughter of the informant are in love relationship and she willingly went to the house of the accused No. 1 Abdur Rahman and furthermore, the informant and the father of the main accused Abdur Rahman had entered into a written agreement dated 22.06.2025 (Annexure- 3 to the instant application) whereby the father of the main accused Abdur Rahman agreed that if the said Abdur Rahman keeps any further contact with the daughter of the informant, the said father of the main accused Abdur Rahman has to pay an amount of Rs. 15,00,000/- and further before that an amount of Rs. 4,00,000/- has to be paid as compensation and Rs. 10,000/- has already been paid as advance, and further Rs. 1,00,000/- needs to be paid within 1 month and the remaining balance amount need to be paid within 2 months and upon failure on the part of the father of Accused No. 1, Abdur Rahman to pay the remaining amount, the present FIR has been filed after 40 days from the date of the incident.

**7.** Case diary is received and perused.

**8.** Having regard to the aforesaid fact as well as inordinate delay in lodging of the FIR and the peripheral part attributed to the present petitioner, the prayer for bail is allowed. Accordingly, it is provided that in the event of his arrest, the petitioner be released on pre arrest bail on furnishing a bond of Rs. 50,000/-

(Rupees fifty thousand only) with one surety of like amount to the satisfaction of the arresting authority in connection with the aforementioned case.

**9.** It is provided that the petitioner shall cooperate with the investigation and shall not try to influence the witnesses acquainted with this case, in any manner.

**10.** The bail application is accordingly disposed of.

**11.** Send back the case dairy.

**JUDGE**

**Comparing Assistant**