

GAHC010043012026



2026:GAU-AS:4872

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

Case No. : AB/456/2026

HEFJUR RAHMAN
SO LATE KHAIRUL HADI, RO VILL 142 NO BAGALIPARA PATHAR, PO
PHALIHAMARI PATHER, PS LAHARIGHAT, DIST MORIGAON, ASSAM, PIN
782127

VERSUS

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

2:JAMAL UDDIN
SO LATE SURUJ ALI
RO VILL BAGALIPARA PATHAR
PO PHALIHAMARI PATHER
PS LAHARIGHAT
DIST MORIGAON
ASSAM
PIN 782127
MOBILE 600136166

Advocate for the Petitioner : MR. M K HUSSAIN, MR. M ALOM, MS. F H AHMED, MRS. S Y AHMED

Advocate for the Respondent : PP, ASSAM, MR. B K GOGOI(R2), MR. B BISHAYA(R2)

BEFORE
HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA
ORDER

02.04.2026

Heard Mr. M. K Hussain, learned counsel for the petitioner. Also heard Mr. B K Gogoi, learned counsel representing respondent No. 2 and Mr. K. K. Parashar, learned Addl. PP for the State of Assam.

2. This is an application filed under Section 482 of BNSS, 2023 in connection with Laharighat P.S Case No. 251/2025 u/s 140(3)/3(5) BNS r/w Section 6 of the POCSO Act.

3. The allegation as per the F.I.R is that the victim girl is about about 17 years and went with the accused No. 1 namely **Akmul Haque**, to Kerala and hence an F.I.R was lodged by the father of the victim alleging that his daughter was kidnapped by the accused No. 1. Subsequently, the victim girl returned on her own and subsequently, her statement was recorded by the Magistrate.

4. It appears from the victim's statement that the present petitioner who is the older brother of the accused did not play any role other than sending the couple to Kerala.

5. Having regard to the nature of the allegations the custodial interrogation of petitioner is not deemed to be necessary.

6. Accordingly, the prayer for bail is allowed.

7. The petitioner in the event of his arrest shall be released on bail with

bail bond of Rs. 50,000/- with two sureties of the like amount to the satisfaction of the arresting authority in connection with Laharighat P.S Case No. 251/2025 u/s 140(3)/3(5) BNS r/w Section 6 of the POCSO Act.

It is provided as under:-

1. The petitioner shall appear before the I.O within a period of 14 days from today.
 - 2.) The petitioner shall cooperate investigation.
 - 3.) The petitioner shall not try to intimidate the witnesses.
- 8.** The petition stands disposed of accordingly.

JUDGE

Comparing Assistant