

GAHC010110752026



2026:GAU-AS:7948

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

Case No. : AB/1206/2026

JAHIDUL MOSTOFA AKAND AND ANR
S/O RAFIKUL AKAND
VILLAGE HATIDHURA
P.S. SAPATGRAM
DISTRICT- DHUBRI, ASSAM

2: RAFIKUL ISLAM AKAND ALIAS RAFIKUL AKAND
S/O SALEMAN ALI
VILLAGE HATIDHURA
P.S. SAPATGRAM
DISTRICT DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:NUR BANU BIBI
W/O RAMJAN ALI
VILLAGE BELTARI
P.S. SAPATGRAM
DISTRICT DHUBRI
ASSA

Advocate for the Petitioner : MR. M KHAN, MR. R. AHMED,MS J AKTAR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 08.06.2026

- 1.** Heard Mr. M. Khan, learned counsel for the petitioners. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail to the petitioners, Jahidul Mostofa Akand and Rafikul Islam Akand @ Rafikul Akand in respect of Sapatgram P.S. Case No.45/2026 registered under Section 137(2)/64(1)/351(2)/127(4) of the BNS, 2023 read with Section 4 of the POCSO Act.
- 3.** On 03.05.2026, the informant has alleged in the FIR that her minor daughter was kidnapped by the present petitioner, Jahidul Mostofa Akand. Thereafter, the petitioner threatened the informant that if she creates any problem, he would make obscene photographs of her daughter viral.
- 4.** Learned counsel for the petitioners has submitted that the victim girl was born on 10.09.2006 and on 20.09.2024, she married the aforesaid petitioner, Jahidul Mostofa Akand. According to the learned counsel for the petitioners, on 20.09.2024 the victim girl was above 18 years of age.
- 5.** According to Mr. Khan, the girl and the boy were living together happily. However, certain differences subsequently arose between them for which the mother of the girl had lodged this unnecessary FIR against the petitioner, Jahidul Mostofa Akand and his father.

6. I have heard the submissions made by the learned counsel of both sides in the light of materials available with the record.

7. This Court is of the opinion that under the given circumstances, the petitioners, namely, Jahidul Mostofa Akand and Rafikul Islam Akand @ Rafikul Akand do not deserve to be detained in custody. Therefore, the pre-arrest bail application is allowed.

8. It is therefore directed that in the event of arrest in connection with Sapatgram P.S. Case No.45/2026, under Section 137(2)/64(1)/351(2)/127(4) of the BNS, 2023 read with Section 4 of the POCSO Act the petitioners, Jahidul Mostofa Akand and Rafikul Islam Akand @ Rafikul Akand shall be allowed to go on bail of Rs.20,000/- each with sureties of like amount to the satisfaction of the arresting authority.

9. The petitioners shall co-operate with the Police Investigating Officer as and when called for.

With the aforesaid direction, this anticipatory bail application stands disposed.

JUDGE

Comparing Assistant