

GAHC010128132026



2026:GAU-AS:9911

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

Case No. : AB/1384/2026

ABDUL REJAK ALIAS ABDUR REJAK AND 7 ORS.
S/O ABDUL KHALIK, RO VILL KOROIUNI, PS MURAJHAR, PO KARAIYANI,
DIST HOJAI, ASSAM, PIN 782439

2: SHARUF AHMED ALIAS SHARUF ALOM
S/O ROSHIM UDDIN
R/O VILL KOROIUNI
PS MURAJHAR
PO KARAIYANI
DIST HOJAI
ASSAM
PIN 782439

3: SAMAD ALI ALIAS CHUMED ALI
S/O LATE MANIR ALI
R/O VILL KOROIUNI
PS MURAJHAR
PO KARAIYANI
DIST HOJAI
ASSAM
PIN 782439

4: PARUL AHMED ALIAS FARUK HUSSAIN
S/O ABDUL KALAM
R/O VILL KOROIUNI
PS MURAJHAR
PO KARAIYANI
DIST HOJAI
ASSAM
PIN 782439

5: SURUJ ALI ALIAS LUTFUR RAHMAN
S/O TOYOB ALI
R/O VILL KOROIUNI

PS MURAJHAR
PO KARAIYANI
DIST HOJAI
ASSAM
PIN 782439

6: SUAB ALI ALIAS SOWAB ALI
S/O LT JANIR ALI
R/O VILL KOROIUNI
PS MURAJHAR
PO KARAIYANI
DIST HOJAI
ASSAM
PIN 782439

7: SHIBIR AHMED ALIAS SIBIR AHMED
S/O MOIN UDDIN
R/O VILL KOROIUNI
PS MURAJHAR
PO KARAIYANI
DIST HOJAI
ASSAM
PIN 782439

8: ALTAB UDDIN ALIAS ATAB UDDIN
S/O ABDUL NOOR
R/O VILL KOROIUNI
PS MURAJHAR
PO KARAIYANI
DIST HOJAI
ASSAM
PIN 78243

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : TAWHID LASKAR, MS. S NISHA SULTANA, AMIRUL ISLAM

Advocate for the Respondent : PP, ASSAM, MR. A K HANNAN (FOR INFORMANT), M U BARBHUYAN (FOR INFORMANT)

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

ORDER

Date : 20.07.2026

Heard Mr. T. Laskar, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam and Mr. A.K. Hannan, learned counsel for the informant.

2. This is an application under Section 482 of the BNSS, 2023 whereby the petitioners, namely, 1. Abdul Rejak @ Abdur Rejak, 2. Sharuf Ahmed @ Sharuf Alom, 3. Samad Ali @ Chumed Ali, 4. Parul Ahmed @ Faruk Hussaain, 5. Suruj Ali @ Lutfur Rahman, 6. Suab Ali @ Sowab Ali and 7. Shibir Ahmed @ Sibir Ahmed and 8. Altab Uddin @ Atab Uddin are seeking Anticipatory Bail apprehending arrest in connection with an FIR, which is registered as Murajhar Police station Case No. 74/2026 registered under Sections 117 (2)/127(2)/329(4)/356(2)/61(2)/74/77/79 of BNS Act.

3. The facts of the case briefly stated are that on 04.05.2026 at around 9.30 p.m. when the husband of the informant was in his workplace at Hojai town, he had sent one of his nephews with ration to the house of the informant and when he reached the said house, the FIR named accused persons along with some anonymous persons suddenly entered their house and beat them up after tying them to a pole, arranging that they were having an extramarital affair.

4. Where it is submitted by learned counsel for the petitioner and that the only non-valuable offence involved is Section 74 BNS relating to assault upon a woman with a view to outraging her modesty. It is submitted that the present petitioners were mere onlookers to the aforesaid alleged incident and they did not play any part in the assault upon the informant.

5. Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam opposing the prayer for pre-arrest bail, strongly submits that the issue involves causing humiliation to a married woman and the petitioners are FIR named accused persons and considering the nature of the offence alleged, they are not entitled to the privilege of pre-arrest bail.

6. Learned counsel appearing for the informant has submitted that because of the actions of the accused petitioners, the victim/ informant has been unable to enter her own residence and is being continuously threatened by the petitioners.

7. Learned counsel has submitted a copy of the order dated 09.06.2026 passed by the learned Additional Sessions Judge, Hojai in Bail Application No. 247 of 2026 filed on behalf of some of the co-accused persons and it is prescient to note the following observation of the learned Court below:-

“I may mention it here that the informant-victim has appeared in person today and has filed an objection to the bail prayer. She has inter alia stated in her petition No.1443/26 that after she had lodged the FIR in this case, the accused person has been threatening and did not allow her and her family members to enter into their own residence. That the accused person had been demanding that she withdrew the case and if the case is not withdrawn, the accused would cause harm to her. The informant further stated that she has filed a petition before the District Commissioner, Hojai under Section 126 of BNSS. ”

8. Upon perusal of the case diary, it appears that the Investigating Officer has collected sufficient materials including a video footage of the alleged incident which shows the involvement of the accused petitioners. Considering

the above as well as the gravity of the offence, the prayer for pre-arrest bail stands rejected.

9. Accordingly, this Anticipatory Bail petition stands dismissed and disposed of.

JUDGE

Comparing Assistant