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

Case No. : Bail Appln./2175/2026

BRAJA KUMAR BRAHMA
S/O- LATE DEOL SINGH BRAHMA, RESIDENT OF VILLAGE-PUB- MAKRA,
PS- BIJNI, DISTRICT- CHIRANG, ASSAM, PIN-783390.

VERSUS

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

2:SMTI BANDANA BRAHMA
WIFE OF SRI KHANIN BRAHMA
RESIDENT OF VILLAGE- PUBMAKRA
PS-BIJNI
DISTRICT-CHIRANG
ASSAM
PIN-78339

Advocate for the Petitioner : MR. M U MAHMUD, S SEKH,MR S H MAHMUD
Advocate for the Respondent : PP, ASSAM, MS. M K BROWN, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

12.10.2026

Heard Mr. M. U. Mahmud, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor.

2. This petition under Section 482 BNSS is filed by the petitioner, namely,

Braja Kumar Brahma, apprehending arrest in connection with **Bijni P.S. Case No. 130/2025 corresponding to Special (P) Case No.01/2026** registered u/s **64(2)(f)/65(1) of BNS read with Section 6 of POCOS Act.**

3. The allegation against the present petitioner is the commission of penetrative sexual assault upon a 13 year old girl who stands in the relationship of a grand-daughter to the accused petitioner. It is alleged that the petitioner had taken the victim girl to his house on two occasions and committed penetrative sexual assault upon her.

4. An earlier bail application in respect of the present petitioner was rejected by order dated 14/07/2026 in BA 904/2026.

5. Mr. M. U. Mahmood, learned counsel for the petitioner submits that the material witnesses such as the victim and the informant have already been examined and the petitioner is required to prepare his defense and furthermore, considering the period of detention of about 228 days, the prayer for bail may be allowed.

6. Per-contra learned Additional Public Prosecutor has submitted that four witnesses have been examined so far and they have fully implicated the petitioner and there is no inconsistency in their statements before the learned trial court and hence, the prayer for bail may be rejected.

7. Learned amicus representing the informant/ victim. Ms. Brown submits that considering the gravity of the offense involving rape of a 13-year-old girl leading to her pregnancy and delivery of a child, the prayer for bail may be rejected and that merely because of the fact that the victim and the informant has been examined, does not entitle the petitioner to the grant of bail.

8. It is further submitted that some more independent witnesses are yet to

be examined and therefore, the prayer for bail may not be considered at this stage.

9. Having regard to the above submissions and the material available on record, the prayer for bail stands rejected at this stage.

10. Petition stands dismissed.

JUDGE

Comparing Assistant