

GAHC010131132026



2026:GAU-AS:10777

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

**Case No. : AB/1186/2026**

JAHIDUL HUSSAIN @ ZAHIDUL HUSSAIN

S/O AHOR ALI  
VILL. JHAGRARPAT PT-III  
P.O. JHAGRARPAT  
P.S. DHUBRI  
DIST. DHUBRI  
ASSAM  
PIN-783325.

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PP  
ASSAM

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Advocate for : MR. SK S N MOHAMMAD  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM

**BEFORE  
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**04.08.2026**

Heard Mr. SK S N Mohammad, learned counsel for the accused applicant. Also heard Mr. B Sharma, learned Additional Public Prosecutor appearing for the State.

This is an application under Section 482 of the BNSS, 2023, seeking pre-arrest bail by the accused/applicant, namely, **Jahidul Hussain @ Zahidul Hussain**, who is apprehending arrest in connection with **Dhubri Police Station Case No. 142/2026** registered under Sections 61(2)/148/318(4)/316(2)/336(3)/3(5) of the BNSS, 2023.

The case of the prosecution in brief are that one Sagar Ghosh by using forged documents procured from English Education Academy of which the present accused applicant is the Director sought admission at Bidyapara Govt. Boys Higher Secondary School, Dhubri. Upon an FIR being filed by the Principal of the said school, both said Sagar Ghosh and the present accused applicant being named as accused therein, a case was registered being Dhubri P.S. Case No. 142/2026 and accordingly, investigation commenced thereafter.

Mr. Mohammad, learned counsel for the accused applicants submits that the accused applicant who is the proprietor of the educational institute in question, i.e., English Education Academy since July, 2025 where it facilitates distance education programmes including matriculation and higher secondary courses as well as under graduate and post graduate courses through Mangalayatan University. He further submits that approximately one year prior to becoming the owner of the said institute, the accused applicant received an offer from Global Education Academy situated at Bihar whereby he was informed that if he referred students to their institution the examinations would be conducted online and he would receive commission for such reference. He further submits that the accused applicant acting bonafide and in good

faith relied upon the representations made by the Global Education Academy and the credentials of the concerned educational namely, the State Board of School Examinations and Board of Higher Secondary Examinations which appeared to be recognized and listed on the Assam Government's online portal "Darpan". He further submits that believing the said institutions and board to be genuine and duly recognized, the accused applicant merely referred students without having any role in the management, administration, conduct of examinations, issuance of certificates or any alleged irregularities. He further submits that the accused applicant acted without any dishonest intention, knowledge or involvement in any alleged offence, and as such, the provisions and sections invoked in the present case are not attracted against the accused applicant. He further submits that the case was registered on no fault of the accused applicant and hence, the instant pre-arrest bail may be allowed.

Per contra, Mr. B Sharma, learned APP while strongly opposing the prayer for pre-arrest bail, submits that the accused applicant is the Director of the educational institution in question wherein he has been issuing fake mark-sheets and certificates and based on which, students enrolled therein are trying to secure admission in colleges and universities. He further submits that the materials available in the case diary make out a strong case against the accused applicant. He further submits that the investigation is at the interrogation stage, wherein the accused applicant having been absconding, the investigation is not progressing further.

I have given my thoughtful consideration to the submissions advanced by the learned counsel for the parties and have also perused the materials available on record, including the case diary produced before the Court.

It appears that the accused applicant is the Director/owner of the educational institution in question, which is alleged to have been engaged in issuing fake mark-sheets and certificates. The statements of the witnesses recorded during the course of investigation prima facie indicate that the accused applicant was actively persuading

students to secure admission in the said institution on the assurance that fake mark-sheets and certificates would be provided to them. The materials in the case diary further disclose that the institution, under the active involvement of the accused applicant, had also conducted examinations for issuance of such fake mark-sheets and certificates. It further appears from the case diary that, pursuant to a notice issued under Section 90 of the BNSS, 2023, the Board of Open Schooling and Skill Education (BOSSE) clarified that the institution of the accused applicant had merely been authorized to function as an Admission Counsellor for the limited purpose of facilitating admissions and providing guidance to prospective students. The Board specifically stated that no authority had been granted to the institution to undertake any activity beyond the said limited purpose.

The Board has further clarified that although the institution was authorized to assist students in the admission process, it was never authorized to collect fees on behalf of BOSSE or to issue receipts or vouchers in the name of the Board. More importantly, in response to the documents forwarded by the Investigating Officer for verification, BOSSE categorically stated that the said documents had not been issued by it.

The aforesaid materials collected during the investigation, at this stage, prima facie disclose sufficient incriminating circumstances against the accused applicant. It further appears that the investigation is at a crucial stage and that the custodial interrogation of the accused applicant is yet to be undertaken. The case diary also indicates that the accused applicant has not cooperated with the investigation and has remained absconding, thereby impeding the progress of the investigation.

Having regard to the nature and gravity of the allegations, the prima facie materials collected during the investigation, the stage of investigation, and the conduct of the accused applicant in not cooperating with the Investigating Agency, this Court is of the considered view that the present case is not a fit one for extending the

discretionary relief of pre-arrest bail under Section 482 of the BNSS, 2023.

Accordingly, the prayer for anticipatory bail stands rejected.

Send back the case diary.

**JUDGE**

**Comparing Assistant**