

GAHC010006382026



2026:GAU-AS:648

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

Case No. : Crl.Pet./56/2026

MRS BINA PEGU AND ANR
W/O SRI KALINATH PEGU R/O UJANI CHERPAI, P.O. JENGRAIMUKH DIST
MAJULI

2: KALINATH PEGU
S/O LATE KAMAL PEGU R/O- UJANI CHERPAI
P.S. JENGRAIMUKH
DIST MAJUL

VERSUS

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

2:RITA DOLEY
D/O-SRI GOBINDA DOLEY R/O-BARPOMUA GAON P.S -JENGRAIMUKH
DIST-MAJUL

Advocate for the Petitioner : A MAHARSHI, MS A PAYENG,MS. N S RAJKHOWA,I GOGOI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 21.01.2026

- 1.** Heard Mr. J. Payeng, learned counsel for the petitioners. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the Order dated 18.08.2025 and the subsequent order passed by the learned Sub-Divisional Judicial Magistrate, Majuli in PRC Case No.101/2024.
- 3.** Both the petitioners are husband and wife. There some Medini Pegu is also accused. The Trial Court issue bailable warrant of arrest against the present petitioners, they did not appear in response to the warrant of arrest. Therefore, non-bailable warrant of arrest was directed to be issued against them.
- 4.** Both the petitioners have submitted that they are interested in facing the trial and therefore they should be given adequate opportunity to that effect.
- 5.** I have considered the submissions made by learned counsel for both sides. The prayer of the petitioners is allowed.
- 6.** All orders directing issue of non-bailable warrant of arrest against the present petitioners are set aside.
- 7.** The petitioners, Mrs. Bina Pegu and Kalinath Pegu are directed to appear

before the Trial Court of the learned Sub-Divisional Judicial Magistrate, Majuli in respect of PRC Case No.101/2024 within next 10 (ten) days from today and on their appearance, they shall be released on bail of Rs.25,000/- each with a surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Majuli.

8. With the aforesaid direction, the Criminal Petition stands disposed of.

JUDGE

Comparing Assistant