

GAHC010007862026



2026:GAU-AS:647

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

Case No. : Crl.Pet./53/2026

BABUL MIAH ALIAS BABU MIAH
S/O LATE TAHIRUL MIAH,
RESIDENT OF VILLAGE JHOWDANGA PUBERGAON, PS MANKACHAR,
DIST SOUTH SALMARA MANKACHAR, ASSAM

2: TARA MIAH
S/O LATE TAHIRUL MIAH

RESIDENT OF VILLAGE JHOWDANGA PUBERGAON
PS MANKACHAR
DIST SOUTH SALMARA MANKACHAR
ASSAM

3: NUR ALOM
S/O LATE TAHIRUL MIAH

RESIDENT OF VILLAGE JHOWDANGA PUBERGAON
PS MANKACHAR
DIST SOUTH SALMARA MANKACHAR
ASSAM

4: MOKBUL HUSSAIN
S/O EUNUS ALI

RESIDENT OF VILLAGE JHOWDANGA PUBERGAON
PS MANKACHAR
DIST SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 21.01.2026

- 1.** Heard Mr. M. Ahmed, 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 in respect of PRC Case No.209/2025, pending in the Court of the learned Sub-Divisional Judicial Magistrate (M), Hatsingimari.
- 3.** The petitioners, namely, (1). Babul Miah @ Babu Miah, (2). Tara Miah, (3). Nur Alom and (4). Mokbul Hussain have been Charge- sheeted in a Sessions Triable Case. The learned Sub-Divisional Judicial Magistrate (M), Hatsingimari has issued summons to them.
- 4.** The petitioners have submitted that this Court does not have the power to entertain their bail application. Therefore, they apprehend that they may be remanded to custody upon their appearance before the learned Sub-Divisional Judicial Magistrate (M), Hatsingimari.
- 5.** The petitioners have submitted that they are interested in facing the trial and, therefore they should be given adequate opportunity to that effect

6. I have considered the submissions made by learned counsel for both sides.

7. This Court is of the opinion that since the petitioners are interested in facing the trial, they deserve to be given adequate opportunity to that effect. Therefore the prayer of the petitioners is allowed.

8. The petitioners, (1). Babul Miah @ Babu Miah, (2). Tara Miah, (3). Nur Alom and (4). Mokbul Hussain is directed to appear before the Trial Court of the learned Sub-Divisional Judicial Magistrate (M), Hatsingimari 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 (M), Hatsingimari.

9. All the 4 (four) petitioners are directed to appear before the Trial Court on each and every date of hearing and if they fail to do so, the Trial Court shall have the liberty to procure their attendance by due process of law.

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

JUDGE

Comparing Assistant