

GAHC010022542026



2026:GAU-AS:1675

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

Case No. : Crl.Pet./165/2026

KRISHNA KANTA NATH
S/O DURGESWAR NATH, R/O DIKOM, TRA, DIBRUGARH, ASSAM. P.S.
LAHOAL, DISTRICT- DIBRUGARH, ASSAM
VERSUS
THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR S N KRISHNATRAYA, MR P J DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 09.02.2026

- 1.** Heard Mr. S. N. Krishnatraya, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State of Assam.

- 2.** This is an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the order dated 28.01.2026 passed by the learned Additional Sessions Judge, Dibrugarh in Sessions Case No.163/2024 under Sections

279/427/498A/307/309 of the Indian Penal Code.

3. On 28.01.2026, the petitioner Krishna Kanta Nath could not appear before the Trial Court as he had gone to Mizoram. He had filed an application showing the cause of actions. For that certain reasons, the Trial Court refused his prayer, the earlier bail was cancelled and non-bailable warrant of arrest was directed to be issued against the present petitioner.

4. Learned Additional Public Prosecutor has objected to this prayer.

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

6. Without any discussions on the merit of the order dated 28.01.2026 the order is set aside.

7. The warrant of arrest, if issued against the present petitioner shall be recalled.

8. The petitioner Krishna Kanta Nath is directed to appear before the trial court of learned Additional Sessions Judge, Dibrugarh in Sessions Case No.163/2024 within next 7 (seven) days from today and on his appearance, he shall be released on fresh bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Trial Court.

9. It is hereby directed that the petitioner shall regularly appear before the trial court on each and every date of hearing. If he fails to do so, the trial court shall have the liberty to procure his attendance in accordance with the procedure as laid down by law.

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

JUDGE

Comparing Assistant