

GAHC010064392026



2026:GAU-AS:4523

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

Case No. : Crl.Pet./464/2026

RABIYAL ISLAM
S/O LATE ABDUL ALI
VILLAGE - BOGAIGANPARA, P.S.- HOWLI, DISTRICT - BARPETA, ASSAM
VERSUS
THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN, MR S K CHHETRY, MR. M ISLAM
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30.03.2026

- 1.** Heard Mr. N. Uddin, learned counsel for the petitioner. Also heard Mr. Bhaskar Sharma, 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.05/2022 pending in the Court of the learned Chief Judicial Magistrate, Kamrup, Amingaon.
- 3.** The petitioner, Rabiyaal Islam has been facing trial before the Court below. During the pendency of the trial, he had to go to the State of Kerela for earning his livelihood. Therefore, the Trial Court issued non-bailable warrant of arrest against him.

- 4.** Learned counsel for the petitioner submitted that the prosecution has already examined 3 (three) witnesses.
- 5.** Learned counsel for the petitioner further submits that the petitioner is interested in facing trial and, therefore, he should be given adequate opportunity to that effect.
- 6.** I have considered the submissions made by the learned counsel for both sides.
- 7.** Since, the petitioner, Rabiya Islam is interested in facing the trial, he deserves to be given adequate opportunity to that effect.
- 8.** Therefore, all orders directing issue of non-bailable warrant of arrest against him in respect of PRC Case No.05/2022 are set aside.
- 9.** The petitioner, Rabiya Islam is directed to appear before the Court of the learned Chief Judicial Magistrate, Kamrup, Amingaon in respect of PRC Case No.05/2022 within a period of 10 (ten) days from today and on his appearance, the petitioner shall be released on fresh bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon.
- 10.** With the aforesaid direction, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant