

GAHC010079262026



2026:GAU-AS:5607

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

Case No. : I.A.(CrI.)/414/2026

ABUL HASAN BARBHUIYA ALIAS ABUL HASSAN BARBHUIYA ALIAS MD
AHMED HASAN BARBHUIYA HASAN
S/O KAMRUL ISLAM BARBHUIYA, R/O RONGPUR, P.O. JALALPUR, NEAR
OLD JAME MASJID, P.S. KALAIN, DIST. CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR. S C BISWAS, MS. U NANDA,MR. A K DAS,MS. S.
CHANDA,MS. K L R YANTHAN,MS. J GHOSH,MR. MEHUL SHAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

23.04.2026

Heard Mr. S.C. Biswas, learned counsel appearing for the petitioner. Also
heard Mr. M.P. Goswami, the learned APP for the State.

The scanned copy of the Trial Court Records has been perused.

The learned counsel for the petitioner has submitted that the order dated **20.04.2026**, passed in **Bail Application No. 882 of 2026** inadvertently did not contain the Police Station Case No. while granting bail. It is further submitted that the matter has been committed by the Court of the learned Additional Chief Judicial Magistrate, Cachar, Silchar.

The learned APP has submitted that the modification sought to be incorporated in the order dated **20.04.2026** would not affect the merits of the bail already granted. Accordingly, the order dated **20.04.2026** now stands modified as follows:-

- 1.** Heard Mr. S.C. Biswas, learned counsel appearing for the petitioner. Also heard Mr. M.P. Goswami, the learned APP for the State.
- 2.** The scanned copy of the Trial Court Records has been perused.
- 3.** This is an application filed under Section 483 of the BNSS, 2023, praying for the grant of regular bail to the petitioner, namely, **Abul Hasan Barbhuiya @ Abul Hassan Barbhuiya @ Md Ahmed Hasan Barbhuiya (HASAN)**, who is in custody since 09.02.2026, in connection with Kalain P.S. Case No.10/2026 under Sections 109(1)/118(2)/126(2)/189(4) of the BNS, 2023, corresponding to PRC Case No.318/2026 under Sections

109(1)/118(2)/126(2)/189(4) of the BNS, 2023, then pending before the Court of Hon'ble Additional Chief Judicial Magistrate, Cachar, Silchar, corresponding to Sessions Case No.115/2026 under Sections 109(1)/118(2)/126(2) /189(4) of the BNS, 2023, pending before the Court of Hon'ble Additional District and Sessions Judge, FTC, Cachar, Silchar.

- 4.** The learned counsel for the petitioner has submitted that 4 (four) of the co-accused had been allowed the anticipatory bail after submission of the charge sheet, where they have been implicated, and it is only the petitioner who was arrested prior to his filing an anticipatory bail petition and he has been languishing in custody although others in similar circumstances have been allowed to enjoy the privilege of pre-arrest bail.
- 5.** The learned APP has submitted that the injury sustained by the victims is grievous, and the witnesses have implicated the present petitioner, and therefore, the prayer for bail may be rejected.
- 6.** I have perused the scanned copy of the TCR, which also contains the charge sheet, and I have also gone through the Order dated 09.03.2026.
- 7.** This Court is of the opinion that when 4 (four) co-accused in similar circumstances have been granted the privilege of pre-arrest bail after the submission of the charge sheet, the petitioner can also be allowed the

privilege of bail to face the trial under strict conditions, since he has been implicated.

8. Accordingly, the petitioner shall be released on bail on furnishing a bond of Rs. 25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court. The learned Trial Court shall be at liberty to impose such other conditions upon the accused to ensure his presence and participation in the trial as may be necessary.

(i) The petitioner shall not leave the territorial jurisdiction of the learned Trial Court without prior written permission.

(ii) The petitioner shall not hamper and tamper with the evidence of the case;

(iii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;

(iv) The petitioner shall not try to contact the victim or the informant in any manner whatsoever till conclusion of the trial;

(v) The petitioner shall appear before the learned Trial Court, as and when

directed to do so;

(vi) The learned Trial Court shall be at liberty to impose such other condition or conditions as may be deemed necessary to ensure the participation of the petitioner in the trial;

(vii) The petitioner shall not engage in any illegal activity of a similar nature in the future; and

(viii) The prosecuting authority shall be at liberty to bring any violation of the conditions imposed to the notice of the competent court and request a recall/cancellation of bail.

9. Accordingly, this Interlocutory Application stands disposed of, modifying the earlier order dated **20.04.2026**.

JUDGE

Comparing Assistant