

GAHC010055412026



2026:GAU-AS:4608

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

Case No. : Crl.Pet./470/2026

HAFIZUR RAHMAN AND ANR
S/O LT. SABED ALI
R/O JHAGRARP PAR PART-III,P.O. JHAGRARP
P.S. AND DIST. DHUBRI, ASSAM, PIN- 783325

2: NURUZZAMAN SARKAR
S/OLT. SABED ALI
R/O JHAGRARP PAR PART-III
P.O. JHAGRARP
P.S. AND DIST. DHUBRI
ASSAM
PIN-78332

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:MD. REZAUL ISLAM
S/O LT. AFZAL HUSSAIN
R/O JHAGRARP
PART-III
P.O. JHAGRARP
P.S. AND DIST. DHUBRI
ASSAM
PIN-78332

Advocate for the Petitioner : MR. M U MONDAL, MR. A W MONDAL,MR A ALIM SK,MR K ISLAM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 31.03.2026

- 1.** Heard Mr. A. Alim SK, learned counsel for the petitioners. 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.1093/2025 under Sections 61(2) (a)/189(3)/126(2)/118(2)/109(1) of the BNS, 2023 pending in the Court of the learned Chief Judicial Magistrate, Dhubri.
- 3.** The petitioners, Hafizur Rahman and Nuruzzamman Sarkar are shown as an absconder in the Charge-sheet. They submitted that they are interested in facing the trial and, therefore, they deserve to be given adequate opportunity to that effect.
- 4.** Learned Additional Public Prosecutor has objected to this bail application on the ground that the anticipatory bail application of the petitioners was earlier rejected by this Court on 16.05.2025, vide an AB No.851/2025.
- 5.** I have considered the submissions made by the learned counsel for both sides.
- 6.** This Court is of the opinion that the rejection of the Anticipatory Bail prayer of the petitioners at the time of investigation should not stand as an impediment in allowing the prayer of the petitioners.
- 7.** Since, the petitioners are interested in facing the trial they deserve to be given adequate opportunity to that effect.

8. Therefore, their application is allowed.

9. The petitioners, Hafizur Rahman and Nuruzzamman Sarkar are directed to appear before the Court of the learned Chief Judicial Magistrate, Dhubri in respect of PRC Case No.1093/2025 within a period of 7 (seven) days from today and on their appearance, the petitioners shall be released on bail of Rs.25,000/- each with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri.

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

JUDGE

Comparing Assistant