GAHC010200052026

2026:GAU-AS:14907

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

Case No. : AB/2241/2026

HABIBUR RAHMAN
S/O. HUSEN ALI, R/O. VILLAGE FATEHPUR, P.S. BIHPURIA, DISTRICT LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P, ASSAM.

Advocate for the Petitioner : MR. B CHOWDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.10.2026

Heard Mr. B. Chowdhury, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with PRC No.432/2025, under Sections

61(2)/316(2)/318(4)/178/179 of BNS, 2023, pending before the learned Additional Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, corresponding to Bihpuria P.S. Case No.57/2025, this application, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is preferred by the applicant, namely, Habibur Rahman, for grant of the privilege of pre-arrest bail.

3. Mr. Chowdhury, learned counsel for the applicant submits that the applicant is an accused in PRC No.432/2025, under Sections 61(2)/316(2)/318(4)/178/179 of BNS, 2023 and that the case is pending before the Court of learned Additional Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, in the stage of appearance and vide order dated 24.07.2026, the learned Additional C.J.M. has issued non-bailable warrant of arrest against the present applicant and that the applicant is ready to face trial and will appear before the learned Trial Court and therefore, it is contended to allow this application.

4. Mr. Borthakur, learned Additional P.P. also submits that the applicant may be directed to appear before the learned Trial Court and to apply for regular bail and till then, some protection may be granted to him.

5. Accordingly, taking note of the submission of learned counsel for both the parties, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Trial Court on or before 26.10.2026 and to apply for regular bail and in the event of filing such an application, the learned Trial Court shall consider the same in accordance with law.

6. Till then, in the event of arrest of the applicant, he shall be released on interim pre-arrest bail, on his executing a bond of Rs.10,000/- with one surety of like amount to the satisfaction of the arresting authority.

7. The above privilege is, however, subject to the condition that the applicant shall appear before the learned Trial Court on or before 26.10.2026.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant