

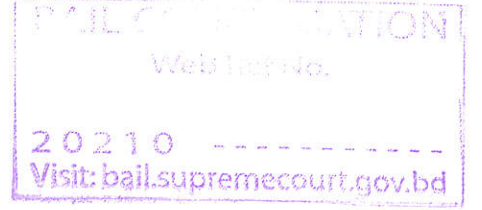
IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION DHAKA.
(Criminal Miscellaneous Jurisdiction)

Dated 06.12.2021

Present

Mr. Justice Jahangir Hossain
And

Mr. Justice Md. Atoar Rahman



Criminal Miscellaneous Case No. 47505 of 2021 (Arising out of Shibganj Police Station Case No. 16 dated 10.11.2021 corresponding to G. R. No. 388 of 2021, now pending in the Court of the learned Chief Judicial Magistrate, Bogura)

01. Md. Shipon Mia son of Md. Fazlu of village- Moydhanhatta Police Station- Shibganj District- Bogura, 02. Md. Emdadul Prang son of late Syed Ali Prang of village- Khodda Shokra Police Station- Shibganj, District- Bogura, 03. Md. Mistar son of late Amzad of village- Khodda Shokra Police Station- Shibganj, District- Bogura, 04. Md. Opi son of late Shamher of village- Mustafapur Police Station- Shibganj District- Bogura.

.....Accused- Petitioners (On Surrender).

-Versus-

1. The State, represented by the Deputy Commissioner, Bogura.....Opposite Party.

Mr. Md. Moshihur Rahman, Advocate

Mr. Md. Sarwar Hossain (Bappi), D.A.G, with

Mr. B.M Abdur Rafell, D.A.G

Mr. Md. Mizanur Rahman Khan, A.A.G,

Mst. Moududa Begum Fancy, A.A.G.

Ms. Hasina Momtaz, A.A.G

Mr. Md. Salim, A.A.G

.....For the State

.....for the Petitioners.

06.12.2021

Order

This is an application filed under section 498 of the Code of Criminal Procedure for enlarging the accused-petitioners on anticipatory bail in connection with Shibganj Police Station Case No. 16 dated 10.11.2021 corresponding to G. R. No. 388 of 2021 under sections 143/341/323/427 of the Penal Code read with section 3 of the Explosive Substances Act, 1908, now pending in the Court of learned Chief Judicial Magistrate, Bogura.

The accused petitioners, who have been identified by his engaged lawyer, surrender before this Court today stating that the investigator has not yet submitted police report [charge sheet] in the instant case.

We have heard the contentions of learned Advocate for the accused-petitioners and the learned Deputy Attorney General appearing for the State who opposes the prayer for anticipatory bail.

Considering the statements made in the application and facts and circumstances of the case, we find prima-facie case in favour of the accused-petitioners and therefore we are inclined to enlarge them on anticipatory bail for a limited period only.

Let the accused petitioners Nos. 01. Md. Shipon Mia son of Md. Fazlu, 02. Md. Emdadul Prang son of late Syed Ali Prang, 03. Md. Mistar son of late Amzad, 04. Md. Opi son of late Shamher be enlarged on anticipatory bail in the above mentioned case for a period of 04[Four]weeks from date, on furnishing bail bond subject to the satisfaction of the learned Chief Judicial Magistrate, Bogura.

However, upon expiry of the limited period of anticipatory bail, the accused-petitioners will certainly surrender before the learned Chief Judicial Magistrate, Bogura.

The Court below, Bogura is at liberty to deal with the bail application, if any, for the accused-petitioners only on merit exercising its own legal discretion without any reference.

The accused-petitioners shall not make any inducement or threat to the witnesses for tampering with the evidence of the alleged occurrence.

Let a copy of this order be served upon the investigating officer of the instant case.

In the result, the application is disposed of.

However, the prosecution is at liberty to file an application for cancellation of anticipatory bail, if there is any allegation of misuse of its privilege or suppression of facts.

Communicate the order at once.

Jahangir Hossain, J.
Md. Atoar Rahman, J.

Memo No.Crl.....dated

Copy of Court's Order dated 06.12.2021 forwarded to

1. Chief Judicial Magistrate, Bogura.
2. Investigating officer Shibganj Police Station, Bogura for information and necessary action.

By order.

Saiful
14.12.2021

Examined by:
15/12/21

Superintendent
15/12/21

মোঃ তোজাম্মেল হক
সুপারিনটেন্ডেন্ট

(Md. Zakir Hossain Patwary)
Assistant Registrar.
Phone-0222-3358584
15/12/21