

DISTRICT-THAKURGAON.

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CRIMINAL MISCELLANEOUS JURISDICTION)

Criminal Miscellaneous Case No. \_\_\_\_\_ of 2024.

**In the matter of:**

An application under Section 498 of the Code of Criminal Procedure for anticipatory bail.

-And-

**In the matter of :**

Mirza Faisal Amin.

..... **Accused-petitioner.**

-Versus-

The State

.....**Opposite-party.**

Mr. Md. Sagir Hossain, Advocate

..... **For the accused-petitioner.**

Mr. Md. Saiefuddin Khaled, D.A.G with

Mr. Md. Asaduzzaman, A.A.G with

Mrs. Afifa Begum Swapna, A.A.G and

Mr. Sarwar Akhtar Masud, A.A.G,

..... **For the State-opposite-party.**

**Present:**

**Mr. Justice Md. Nazrul Islam Talukder**

**And**

**Mr. Justice Kazi Ebadoth Hossain**

**Order dated: the 16<sup>th</sup> day of January, 2024.**

This is an application under Section 498 of the Code of Criminal Procedure for enlarging the accused-petitioner on anticipatory bail in Thakurgaon Sadar Police Station Case No.57 dated 30.10.2023 under Sections 143 / 186 / 341 / 332 / 333 / 353 of the Penal Code, 1860 read with

Sections 15(3)/25D of the Special Powers Act, 1974 now pending in the Court of learned Chief Judicial Magistrate, Thakurgaon.

The accused-petitioner who has been identified by his engaged Advocate, has surrendered before this Court today.

The learned Advocate for the accused-petitioner, submits that the allegations made in the First Information Report is not true and that the informant has filed the instant case to harass and humiliate the petitioner and for these reasons, the accused-petitioner may be enlarged on anticipatory bail.

He next submits that the accused-petitioner remain innocent until his guilt is proved beyond all reasonable doubt and any confinement prior to the legal verdict is unjustified and considering this aspect of the case, the accused-petitioner may be enlarged on anticipatory bail.

He lastly submits that there is no specific allegation against the accused-petitioner rather he has been implicated with instant case with a view to harassing and humiliating him and as such, the accused-petitioner may be enlarged on anticipatory bail.

Mr. Md. Saiefuddin Khaled, the learned Deputy Attorney-General appearing for the State, opposes the

prayer for anticipatory bail and submits that there are specific allegations against the accused-petitioner and as such, he should not be enlarged on anticipatory bail.

We have heard the learned Advocate for the accused-petitioner and the learned Deputy Attorney-General for the State opposite-parties and perused the application for anticipatory bail.

Considering the facts and circumstances of the case, the allegations, the statements and the grounds taken in the application, we find *prima-facie* case in favour of the accused-petitioner and as such, we are inclined to enlarge the accused-petitioner on anticipatory bail for a limited period.

Let the accused-petitioner namely Mirza Faisal Amin son of Mirza Ruhul Amin alias Chokha Mia enlarged on anticipatory bail in the above mentioned case for a period of 6(six) weeks from date, on furnishing adequate bail bond to the satisfaction of the learned Chief Judicial Magistrate, Thakurgaon.

The accused-petitioner is directed not to go abroad without the permission of the learned Judge of the concerned Court below.

The accused-petitioner is directed to provide necessary assistance and co-operation to the investigating agency if required and asked for.

Immediately after expiry of the period of anticipatory bail, the accused-petitioner is directed to surrender before the learned Sessions Judge, Thakurgaon, positively and without fail.

However, the learned Sessions Judge, Thakurgaon, is directed to deal with the case in accordance with law.

With the above observations and directions, the application is disposed of.

Let a copy of this order be communicated to the learned Sessions Judge, Thakurgaon and the learned Chief Judicial Magistrate, Thakurgaon, at once.

**Md. Nazrul Islam Talukder, J.**  
**And**

**Kazi Ebadoth Hossain, J.**