

**Present:**  
**Mr. Justice S M Kuddus Zaman**  
**and**  
**Mr. Justice A.K.M. Rabiul Hassan**  
**Criminal Miscellaneous Case No.48324 of 2023.**

Khan Mohammad Abu Nayem and others  
.....Accused-Petitioners

-Versus-

The State

... Opposite Party

Mr. Sabyasachi Mondal, Advocate

.... For the accused-petitioner

Mr. Sujit Chatterjee, D.A.G

... For the State

**Heard and Judgment on: 23.05.2024.**

**S M Kuddus Zaman, J:**

On an application under section 498 of the Code of Criminal Procedure this Rule was issued calling upon the opposite party to show cause as to why the accused-petitioner should not be enlarged on bail in Narail Sadar Police Station Case No.02 dated 02.03.2022 corresponding to G. R. No.58 of 2022 under sections 8/9(3)/10/12/13 of the Santrash Birodhi Ain, 2009 (as amended 2013), now pending in the Court of Senior Judicial Magistrate, Narail and/or pass such other or further order of orders as to this Court may seem fit and proper.

It has been alleged that RAB arrested accused petitioners (1) Khan Mohammad Abu Nayem and (2) Md. Shahriar Rana on 02.03.2022 and from their respective dwelling houses and from their possession militant literature of various types were recovered and seized. It has been alleged that both the petitioners are active members of the proscribed militant organization Ansar Al Islam and they were involved in collection of money and recruitment of members for above militant organization.

Mr. Sabyasachi Mondal learned Advocate for the petitioners submit that both the petitioners are custody for more than two years in connection of this case

but the investigation of this case has not been concluded. As such there is no likelihood as to when the trial of this case will be concluded.

Mr. Sujit Chatterjee learned Deputy Attorney General raises objection against granting of bail to the accused petitioners at this point of time.

We have considered the submissions of the learned Advocate for respective parties and carefully examined all materials on record including the FIR and seizure list.

Both the petitioners were arrested from their respective dwelling houses and it turns out from record that nine posters of proscribed organization Hisbuth Taharir were recovered from the possession of petitioner No.01 Md. Mohsin and one poster was recovered from the possession of petitioner No.2 Md. Samir. No other incriminating material was recovered from their possession. They did not make any confession and they are in custody in connection of this case since 07.11.2022 but the investigation of this case has not yet been concluded.

The petitioners are in custody for more than two years but the investigation of this case could not be concluded.

Considering above materials on record, we are inclined to grant bail to the accused-petitioners.

Accordingly, the Rule is made absolute.

Let accused petitioners (1) **Khan Mohammad Abu Nayem, son of Md. Moniruzaman Khan & (2) Md. Shahriar Khan, son of late Abu Sayed Sheikh** be enlarged on bail subject to furnishing bail bond to the satisfaction of the Senior Judicial Magistrate, Narail Sadar, Narail.

Communicate this judgment and order to the Court concerned at once.

**A.K.M. Rabiul Hassan, J:**

I agree.