

Present:
Mr. Justice Zafar Ahmed
And
Mr. Justice Khandaker Diliruzzaman

Criminal Appeal No. 11683 of 2023

Md. Shourov Sarker Shuvo alias Akramul
Haque Shuvo

...Accused- appellant

-Versus-

The State

...Respondent

Ms. Farzana Islam, Advocate

...For the appellant

Mr. Md. Sarwar Hossain Bappi, DAG with

Ms. Moududa Begum (Fancy),

Mr. Mohammad Selim and

Mr. Mirza Mohammed Soyeb Muhit, AAGs

.....For the State

Heard and Judgment on: 11.02.2024

Zafar Ahmed, J.

This appeal under Section 41 of the Shishu Ain, 2013 is directed against the order No. 42 dated 02.11.2023 passed by the Judge, Shishu Adalat, Kurigram in Roumari Police Station Case No. 19 dated 23.02.2023 corresponding to G.R. No. 39 of 2023 (Roumari) under Sections 302, 201 and 34 of the Penal Code, now pending in the Court of Shishu Adalat, Kurigram rejecting the prayer for bail of the appellant Md. Shourov Sarker Shuvo alias Akramul Haque Shuvo.

We have heard the learned Advocate of the appellant, and the learned Deputy Attorney General.

The learned Deputy Attorney General opposes the prayer for bail.

The learned Advocate appearing for the appellant submits that the appellant shall retake English First Paper, English Second Paper and General Mathematics examinations in the upcoming SSC Examination-2024 to be held on 20, 22 and 25 February, 2024. On this ground, the learned Advocate prays for bail.

It appears from the materials on record that the FIR was lodged against the present appellant as accused No. 2 and Mst. Soma as accused No. 1. Both were shown adult in the FIR and police forwarding report. Police submitted report against the FIR named two accused and another under Sections 302, 201 and 34 of the Penal Code. In the police reports all the accused were shown minor and accordingly the case was transferred to the Shishu Adalat, Kurigram.

All the accused made judicial confessions which were recorded by the concerned Magistrate under Section 164 of the Code of Criminal Procedure. In all the confessions the accused persons mentioned that their age is below 18 years.

The present appellant was arrested on 26.02.2023. Considering the fact that the appellant is an examinee in the upcoming SSC examination, we are inclined to grant bail to the appellant.

In the result, the appeal is allowed.

The accused appellant, namely **Md. Shourov Sarker Shuvo alias Akramul Haque Shuvo, son of Md. Ashrafal Haque** be enlarged on bail on furnishing bail bond to the satisfaction of the Court of learned Judge, Shishu Adalat, Kurigram.

However, the Court below is at liberty to cancel the bail if the accused-appellant misuse the privilege of the same.

Office is directed to send a copy of this judgment and order to the concerned Court below immediately.

Khandaker Diliruzzaman, J.

I agree.

Mazhar/BO