In the Supreme Court of Bangladesh
High Court Division
(Criminal Miscellaneous Jurisdiction)

Present:
Mr. Justice Md. Khairul Alam
And
Ms. Justice Urmee Rahman

Criminal Miscellaneous Case No. 63532 of 2026

Md. Mahabub Hasan
.....Accused-petitioner
-Versus-
The State
..... Opposite party
Ms. Rabeta Maswoody, Advocate
……. For the accused-petitioner
Mr. Md. Masudul Alam Doha, D.A.G. with
Mr. Md. Nasimul Hasan, A.A.G and
Mr. Md. Husni Mubarak (Rocky), A.A.G and
Mr. Syed Akhtarul Islam, A.A.G and
Mr. Khan Mahfuzun Noor, A.A.G
…… For the opposite party

Heard & Judgment on: 04.11.2026

Md. Khairul Alam, J:

This Rule, issued under section 498 of the Code of Criminal Procedure, 1898, at the instance of the accused-petitioner, Md. Mahabub Hasan, was issued calling upon the opposite party to show cause as to why the accused-petitioner should not be enlarged on bail in Boalia Model Police Station Case No. 15 dated 19.08.2024,

corresponding to G.R. No. 347 of 2024 (Boalia), under sections 143/149/323/341/324/326/302/114/307/109/34 of the Penal Code, 1860 and as per police forwarding, under sections 143/149/323/324/325/326/302/307/341/114/34 of the Penal Code, 1860, read with sections 3 and 4 of the Explosive Substances Act, 1908 (as amended in 2002), now pending in the Court of the learned Chief Metropolitan Magistrate, Rajshahi, and/or such other or further order or orders as to this Court may seem fit and proper.

The facts relevant for disposal of the Rule are that on 19.08.2024, one Md. Rana Islam, son of Md. Muslem Ali, of Village-Mongal Para, Police Station-Puthia, District-Rajshahi, as informant, lodged a First Information Report (F.I.R.) with Boalia Model Police Station, being Boalia Model Police Station Case No. 15 dated 19.08.2024, under sections 143/149/323/324/325/326/302/307/341/114/34 of the Penal Code, 1860, read with sections 3 and 4 of the Explosive Substances Act, 1908 (as amended in 2002), implicating 50 (fifty) accused persons, including the present petitioner, along with 1,000 to 1,200 unknown persons, alleging, inter alia, that on 05.08.2024, approximately 2,000

students and members of the general public, participated in a procession organized by the Anti-Discrimination Student Movement and at about 1:10 p.m., when the procession reached in front of Showchho Tower, the accused persons attacked the procession. During the incident, Md. Raihan Ali, brother of the informant, sustained bullet injuries caused by accused Johirul Hoque. The injured was initially taken to Rajshahi Medical College Hospital, where the attending doctor referred him to Dhaka, but it was not possible to transfer him to Dhaka, so he was admitted to the said hospital, where he subsequently succumbed to his injuries on 08.08.2024; hence the F.I.R. which gave rise to G.R. No. 347 of 2024.

Upon completion of investigation, the police submitted Charge Sheet No. 243 dated 31.08.2025 in the case against the accused-petitioner and others under sections 143/149/323/341/324/326/302/114/307/109/34 of the Penal Code, 1860.

On 25.08.2025, the petitioner was arrested in connection with the instant case and has been in custody since then. His prayer for bail was lastly rejected by the

learned Metropolitan Sessions Judge, Rajshahi, by order dated 28.07.2026, passed in Criminal Miscellaneous Case No. 917 of 2026.

Being aggrieved by the said order, the petitioner moved this Court and obtained the present Rule.

Ms. Rabeta Maswoody, learned Advocate appearing for the accused-petitioner submits that although the alleged occurrence took place on 05.08.2024, the F.I.R. was lodged on 19.08.2024, after a considerable delay of 14 days, implicating 50 persons, including the present petitioner as accused No. 28, without attributing any specific overt act to him. She further submits that the petitioner is a permanent resident of the locality and that there is no reasonable likelihood of his absconding or interfering with the course of justice, including tampering with the prosecution evidence or influencing witnesses, if enlarged on bail. She lastly submits that co-accused who stand on the same footing with the accused petitioner are enjoying the privilege of bail.

Mr. Masudul Alam Doha, learned Deputy Attorney-General appearing for the State opposes the Rule and submits that there is every likelihood that the petitioner, if

enlarged on bail, may interfere with the course of justice by tampering with the evidence or influencing the prosecution witnesses. He further submits that the alleged occurrence took place in connection with the Anti-Discrimination Student Movement and, considering the circumstances in which the offences were allegedly committed, the petitioner does not deserve to be enlarged on bail at this stage.

We have heard the learned Advocates for the respective parties, perused the application and the materials on record.

Upon perusal of the F.I.R., we find that the petitioner has been implicated therein as accused No. 28 along with a large number of other named and unknown persons. No specific overt act has, however, been attributed to the petitioner in the F.I.R. It is also evident that the alleged occurrence took place on 05.08.2024, whereas the F.I.R. was lodged on 19.08.2024.

In the present case, we do not find any tangible material on record to substantiate the apprehension expressed by the learned Deputy Attorney-General that, if enlarged on bail, the petitioner is likely to tamper with the

prosecution evidence, influence witnesses or otherwise obstruct the course of justice. Nor do we find any material suggesting that the petitioner is likely to abscond or evade the process of law.

Having considered the facts and circumstances of the case, particularly the period of his detention and the absence of any tangible material indicating a likelihood of his interfering with the course of justice, we are of the view that further detention of the petitioner is not warranted at this stage. We are, therefore, inclined to enlarge him on bail.

In the result, the Rule is made absolute.

The accused-petitioner, Md. Mahabub Hasan, son of Md. Anowar Hossain alias late Md. Anowar Hossain, is hereby enlarged on bail till conclusion of the trial, subject to furnishing a bail bond to the satisfaction of the learned Chief Metropolitan Magistrate, Rajshahi.

The learned Court concerned, however, shall be at liberty to cancel the bail granted to the petitioner, in accordance with law, if he misuses the privilege of bail or violates any of the conditions imposed upon him.

Let a copy of this judgment and order be communicated to the Court concerned at once.

Ms. Urmee Rahman, J.

I agree