

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46102 of 2022

Arising Out of PS. Case No.-63 Year-2013 Thana- TANDWA District- Aurangabad

Anul Miyan @ Anul Khan Son Of Late Basaruddin Mian R/O Village -
Suryapura, P.S.- Tandwa, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-12-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Tandwa P.S. Case No. 63 of 2013 registered for the offences
punishable under Sections 414, 467, 468, 469, 471, 420, 120B,
121A and 124A of the Indian Penal Code and Section 17 of the
C.L.A. Act.

As per the prosecution, this petitioner is alleged to
have been involved in the alleged crime of providing fake sim
cards obtained on forged documents and providing the same to
extremists (*ugrawadi*).



The main submissions advanced by the learned counsel Mr. Ashok Kumar Singh appearing for the petitioner are that the main allegation against the petitioner is that he supplied some photographs to the co-accused Firoz Khan which was allegedly used in getting Sim cards for supplying the same to the persons involved in *Naxal* activities and the said allegation came into light in the statement of co-accused Firoz Khan who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.21058 of 2014 after the custody period of six months of the said co-accused while the petitioner has been languishing in jail since 20.12.2021 in the present case and against him the main allegation is a statement of the co-accused named Firoz Khan who is on bail. Further submission is that during the course of investigation nothing incriminating was recovered from the possession of this petitioner and he was not put on Test Identification Parade, though against him there are several cases as his criminal antecedent but his name surfaced in the said cases mainly on the basis of confessional statements of other persons.

Learned APP Mr. Binod Kumar appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly



taking into account the facts that the petitioner's name transpired in the statement of co-accused Firoz Khan who was arrested with some photographs and on the basis of the disclosure statement made by the said co-accused the petitioner was made accused in the present case and the FIR does not show any other incriminating material against the petitioner except the statement of co-accused who is on bail granted by this Court and the order of learned Court below goes to show that the investigation has been completed against the petitioner and he has been languishing in jail since 20.12.2021 and till now charge has not been framed against him which shows the petitioner's case is at initial stage, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Tandwa P.S. Case No. 63 of 2013.

(Shailendra Singh, J.)

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