

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24586 of 2023

Arising Out of PS. Case No.-33 Year-2011 Thana- TANDWA District- Aurangabad

ANUL KHAN @ ANUL MIYAN @ AINUL KHAN Son of Late Bashruddin
Khan R/V- Gamhariya Tole Ramnagar (Suryapura) P.O and P.S- Tandwa,
Dist- Aurangabad (Bihar) Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 19-05-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Tandwa P.S. Case no.
33 of 2011 registered under sections 302, 364 and 34 of the
Indian Penal Code, section 27 of the Arms Act and sections
17(1)(2) of the CLA Act.

3. As per the prosecution case, the informant states
that Ramswaroop Yadav @ Kalika Ji and the petitioner herein
who both belong to a Maoist group called his son and said that
Sandip Ji had called him. Thereafter they had taken the
informant's son along with them towards Hariharganj. When the
informant's son did not return, the informant started to search
for him and thereafter came to know that his son's dead body
was found near Gajna dham.



4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. At best the case against the petitioner is of last seen. The petitioner is in custody since 22.2.2022 and charge sheet has been submitted in the case. The petitioner undertakes to cooperate in the trial. With respect to the delay in moving the application for bail in the instant case, the FIR being of the year 2011, learned counsel for the petitioner submits that the petitioner was falsely implicated in eleven other cases which would be evident from the statement made in paragraph no. 3 of the petition. He was not absconding and was ultimately remanded in custody.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner together with the instant case being of the year 2011 and the petitioner having absconded for 11 years, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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