

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59898 of 2022**

Arising Out of PS. Case No.-59 Year-2015 Thana- MALI District- Aurangabad

ANUL KHAN @ ANUL MIYAN Son of Late Bashruddin Khan R/v-
Gamhariya Tole, Suryapura, P.O. and P.S.- Tandwa, District- 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. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 19-04-2023 Heard learned counsel appearing on behalf of the
parties.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mali P.S.
Case No. 59 of 2015 registered for the offence under Sections
147, 148, 149, 341, 342, 452, 427, 435 and 436 of the Indian
Penal Code, Section 3, 4 and 5 of the Explosive Act, Section 27
of the Arms Act and Section 17 of the CLA Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.03.2022.

The allegation against the petitioner is to explode gas
cylinder in the house of the informant to cause mischief by fire



lead to destruction of the building of the informant, the occurrence took place along with 30-35 unknown co-accused persons, who alleged to be involved in Maoist activities.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated falsely with present case out of suspicion as arises out of his criminal antecedent as he found involved in 9 criminal cases, where he is on bail in 04 cases. It is submitted that save and except suspicion, nothing surfaced/recovered, during course of investigation, which may connect this petitioner with present occurrence. It is pointed out that except confessional statement of the petitioner which was recorded during course of investigation, nothing incriminating appears against petitioner. It is also pointed out that similarly situated co-accused, namely, Sanjay Singh has already been granted bail by one of the learned co-ordinate Bench of this Court vide Cr. Misc. No. 55365 of 2018 dated 20.09.2018. While concluding the argument, it is submitted that investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of State, opposes the prayer of bail.



Considering the facts and circumstances as mentioned above, as save and except confession of the petitioner, no incriminating material surfaced/recovered, during course of investigation to connect this petitioner with present set of occurrence coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Mali P.S. Case No. 59 of 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Aurangabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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