

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72974 of 2023**

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

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Anul Khan @ Ainul Miyan @ Ainul Khan Son Of Late Bashruddin Khan @  
Late Bassirudin Miyan R/O Village- Gamhariya Tole Ramnagar (Suryapura),  
P.O. And P.S.- Tandwa, Dist.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      08-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with S.Tr. No. 77 of 2023 (arising out of 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 section 17(1)(2) of the C.L.A. Act.

3. As per the prosecution case, the informant states that the two accused persons who belong to the maoist group took away his son, who did not return. On search, his dead body was recovered.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 19.5.2023 (Annexure-1) passed in Cr. Misc. no.



24586 of 2023. The petitioner who has been falsely implicated in the case, is in custody since 22.2.2022 and the main reason for the earlier rejection of the prayer for bail of the petitioner vide order dated 19.5.2023 was that the F.I.R. was of the year 2011 and the petitioner was taken into custody only on 22.2.2022. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for release on bail.

5. Heard learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 23.11.2023 from the Additional Sessions Judge-X, Aurangabad, out of the eight chargesheet witnesses three witnesses have been examined and processes have been issued for appearance of the remaining witnesses. It is further stated that the trial is expected to conclude in another nine months.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, his having remained in custody for 1 year 9 months since 22.2.2022 and the contents of the report of learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. No. 77 of 2023 (arising out of Tandwa P.S. Case no. 33 of 2011) on furnishing



bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X, Aurangabad.

8. It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

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