

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14689 of 2025

Arising Out of PS. Case No.-38 Year-2009 Thana- MALI District- Aurangabad

Ainul Miyan @ Gobindjee Son of Late Basiruddin Khkan Resident of Village
- Gamhariya Tola, 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

For the Opposite Party/s : Mrs. Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 29-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. This application is for grant of regular bail in connection with Mali P.S. Case No.38 of 2009, registered for the offences under Sections 144, 448, 436 of the Indian Penal Code, 27 of the Arms Act and 17 of the C.L.A. Act.

3. As per the F.I.R., 20-25 unknown miscreants of Communist Party of India set a licensed liquor shop on fire on 27.03.2009. The miscreants allegedly opened fire in the air.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has been falsely implicated in the present case. He further



submits that the petitioner is not named in the FIR. He has been made accused only on the basis of suspicion. The petitioner is in custody since 20.05.2024 and he has sixteen criminal antecedents, out of which he is on bail on fourteen cases.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case as well as the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned concerned Court below, in connection with Mali P.S. Case No.38 of 2009, with the following conditions:

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(ii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.



(iii) The petitioner is directed to cooperate in the trial before the learned Court below.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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