

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84796 of 2024

Arising Out of PS. Case No.-17 Year-2010 Thana- TANDWA District- Aurangabad

Ainul Miyan @ Ainul Khan @ Gobind Jee, (Male), aged about 57 years, Son of Late Basiruddin Miyan @ Khan, R/o Vil.- Gamhariya, Ram Nagar Tola Suryapura, P.S.- Tandwa, Dist.- Aurangabad, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 25-06-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Tandwa P.S. Case No. 17 of 2010 dated 03.05.2010 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353 379, 302 of the I.P.C., Section 27 of the Arms Act and Section 17 of C.L.A. Act.

3. As per the prosecution case, on 03.05.2010 at about 10.30 A.M., the informant was on patrolling duty. At about 10.45 A.M., they reached near P.N.B., Tandwa Bazar. It is further alleged that at about 12.45 P.M., a group of extremists came and opened fire on police force. Thereafter, police personnel took positions to retaliate the attack. In exchange of



firing, some of the constables sustained gun shot injuries. Then after the extremists escaped by a Jeep. It is further alleged that the extremists looted police weapons and constables, Roman Gurung, Rajendra Gurung, Vicky Adhikari and Vishunu Bahadur Rana were found dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R., and he has been remanded in the present case from Tandwa P.S. Case No. 35 of 2020. He has been made accused in the present case only on the basis of suspicion and his past criminal antecedents which are similar nature of offences. There is no eye witness to the alleged offence. No incriminating article has been recovered from the possession of the petitioner. He has not been identified by any witness and no T.I. Parade has been done by police of the petitioner. It is further submitted that the other co-accused persons, namely, Sumendra Bhuiyan, Rintu Paswan and Sikandar Paswan in Cr. Misc. No. 36493 of 2010 vide order dated 10.03.2011, Binod Paswan in Cr. Misc. No. 11347 of 2012 vide order dated 04.05.2012, Dhananjay Kumar Singh in Cr. Misc. No. 3842 of 2014 vide order dated 11.04.2014 and Vikash Yadav and Dharmendra Yadav in Cr.



Misc. No. 25907 of 2014 with Cr. Misc. No. 26640 of 2014 vide order dated 04.09.2014 have already been granted bail by the different Co-Ordinate Benches of this Court, annexed as Annexure-2 series to the present bail application. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 18.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Aurangabad (Bihar) in connection with Tandwa P.S. Case No. 17 of 2010 with further condition:-

(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 bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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