

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1544 of 2025

Arising Out of PS. Case No.-31 Year-2007 Thana- KUTUMBA District- Aurangabad

Ainul Miyan @ Gobindjee, Son of Late Basiruddin Khan @ Basruddin
Miyan, Resident of Village - Gamhariya Ram Nagar Tola Suryapura, P.O. and
P.S. - Tandwa, District - Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 22-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Kutumba P.S. Case No.31 of 2007 registered for the
offences punishable under Sections 147, 148, 149, 323, 325,
452, 341, 379, 506, 302, 504 of the Indian Penal Code and
Section 17 of the Criminal Law Amendment Act.

3. The accused/petitioner is not named in the FIR
and is in custody since 13.05.2024.

4. Allegation against the petitioner is to commit
murder of informant Naresh Mahto along with other named
and unknown co-accused persons.

5. It is submitted by learned counsel that



admittedly the occurrence took place in the background of land dispute, as same can be gathered from the face of FIR itself. It is submitted by learned counsel that during course of investigation, out of suspicion, the name of petitioner was involved in this case, where the informant/injured, who subsequently succumbed to his injuries, failed to name petitioner, despite of the fact that he named eight accused persons. It is submitted that the name of petitioner involved in present case only for the reason that he was found involved in ten more criminal cases, where he is on bail. It is further submitted that one of the co-accused namely, Umesh Mahto, who was also not named in the FIR was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.18242 of 2008 on 07.11.2008. Petitioner claimed parity.

6. Learned APP opposed the prayer for grant of bail to the petitioner. However, he could not disputed the factual submissions as made above by learned counsel appearing for the petitioner.

7. Considering the aforesaid factual submissions



and by taking note of fact as petitioner is not named in the FIR, where similarly situated co-accused person was granted bail by one of the learned co-ordinate Bench of this Court, as discussed aforesaid, coupled with the fact that petitioner is in custody since 13.05.2024, accordingly, the petitioner, above-named, is directed to be released on bail 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 Chief Judicial Magistrate-VII, Aurangabad, Bihar in connection with Kutumba P.S. Case No.31 of 2007, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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