

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6727 of 2016**

Arising Out of PS.Case No. -271 Year- 2005 Thana -ARA NAGAR District- BHOJPUR

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Md. Nayeem @ Sahtu @ Md. Nayeem Mian, S/o Late Md. Amin Miya,  
resident of Village- Dharhara Ara, P.S.- Ara Town, District- Bhojpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Amit Bhushan, Advocate.

For the Opposite Party : Mr. Kr.Virendra Narayan(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

3      08-04-2016                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in connection with Sessions  
Trial No. 241 of 2015, arising out of Ara Town P.S. Case No. 271  
of 2005, registered for the offences punishable under Sections 302  
and 34 of the Indian Penal Code read with Section 27 of the Arms  
Act.

Allegedly two unknown miscreants after opening fire  
from Katta killed Vijay Kumar the grand son of the informant,  
during investigation the name of the petitioner transpires and  
accordingly after completion of investigation charge sheet was  
submitted against seven accused persons and the case was kept  
pending for investigation against the petitioner and some others,

thereafter police submitted charge sheet against the petitioner also showing him absconder vide charge sheet no. 4 of 2008.

Submission is of false implication and that without any legal and cogent material the petitioner and his three brothers have been implicated in this case. The petitioner has been remanded in this case on 23.09.2015 and since then he is in custody. Other co-accused Md. Mainuddin, and Md. Shamim have already been allowed bail and as such the petitioner also deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner remained absconding and he was declared absconder by the police.

In the facts and circumstances stated above, considering the period of abscondance at present, I am not inclined to enlarge the petitioner above named on bail in Sessions Trial No. 241 of 2015, arising out of Ara Town P.S. Case No. 271 of 2005 pending in the court of the learned Additional Sessions Judge, 3 Ara, Bhojpur. Accordingly, his such prayer stands rejected. However, the petitioner may renew his prayer for bail after remaining in custody for one year from the date of his remand.

**(Jitendra Mohan Sharma, J.)**

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