

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26529 of 2020

Arising Out of PS. Case No.-31 Year-2008 Thana- NIMCHAKBATHANI District- Gaya

Md. Naseer (Male), aged about - 41 years, son of Late Muslim Miyan,
resident of village - Manjholi, Police Station - Nimchak Bathani, District -
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2

For the Opposite Party/s : Mr. Kunwar Narayan Jamuar, Advocate

Mr. Nawal Kishore Prasad , Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 14-12-2020 Heard Mr. Manish Kumar No. 2, learned counsel for
the petitioner, Mr. Kunwar Narayan Jamuar, learned counsel for
the informant and Mr. Nawal Kishore Prasad, learned counsel
for the State through video conferencing.

Petitioner seeks regular bail in connection with
Nimchak Bathani P.S. Case No. 31 of 2008 registered for the
offence under Section 307 / 34 of the I.P.C. and later on Section
302 of the I.P.C. was added vide order dated – 22.07.2008.

The allegation as per the First Information Report is
that on 07.07.2008 petitioner along with others armed with gun
and pistol surrounded the father of the informant and fired upon



him as result of which he fell down and died.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to previous enmity and the co-accused / Md. Khalil upon whom there is allegation of firing upon the father of the informant has been granted bail by this Court in Cr. Misc. No. 15907 of 2012 vide order dated 03.04.2013.

On the other hand, learned counsel for the informant as well as State vehemently opposed the prayer for bail and submits that the petitioner was absconding in the present case for the last 11 years inasmuch the FIR was lodged on 07.07.2008 and the petitioner after being declared absconder was arrested by the Police in the year 2019 i.e. after about 11 years after the lodging of the FIR. Learned counsel further submits that the co-accused against whom similar allegation is there remained in custody for about 4-5 years and the petitioner is in custody since 24.09.2019.

After having heard learned counsel for the parties and taking into consideration the materials available on record and the past conduct of the petitioner, I am not inclined to grant regular bail to the petitioner at this stage.



Accordingly, the same is rejected.

However, the petitioner may renew his prayer for regular bail after nine months from today if the trial does not record any progress.

(Anil Kumar Sinha, J)

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