

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53848 of 2022

Arising Out of PS. Case No.-13 Year-2000 Thana- ATRI District- Gaya

Md Nasir Son Of Late Muslim Miyan Resident Of Village - Manjhouli, P.S.-
Nimchak Bathani, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 2, Advocate
For the Informant/s	:	Mr. Kunwar Narayan Jamuar, Advocate
For the State	:	Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-02-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

Petitioner seeks regular bail in connection with Atri P.S.
Case No. 13 of 2000 registered for the offences punishable
under Section 147,148,349, and 302 of the Indian Penal Code
and Section 27 of Arms Act.

As per the prosecution, the informant alleged that this
petitioner shot dead one namely, Md. Kayum.

The main submissions advanced by learned counsel Mr.
Manish Kumar No. 2, appearing for the petitioner are that it is
admitted position that in between both the parties there was
inimical term at the relevant time of the alleged occurrence and
as per the FIR only one gun shot of firearm injury was caused to



the deceased at his stomach but it is not clear among the named FIR accused persons including the petitioner who fired that shot and the FIR of the instant matter was lodged in the year 2000 and the petitioner was remanded in the present matter on 19.01.2022 after he got bail in connection with Nimchak Bathani P.S. Case No. 31 of 2008 and the police remained silent till that and thereafter intentionally at the instance of prosecution party, petitioner was taken in to custody in the present matter and he has been languishing in jail since 02.03.2022.

Learned APP Ms. Rina Sinha as well as learned counsel Mr. Kunwar Narayan Jamuar, has vehemently opposed the prayer for bail of the petitioner and submitted that the informant of the present case was murdered by this petitioner and others for which Nimchak Bathani P.S. Case No. 31 of 2008 was lodged and as per the FIR of the present matter he is stated to be the main assailant so, he does not deserve to the privilege of bail.

Having considered the seriousness of the allegation appearing against the petitioner and he is stated to be the main assailant as per the FIR and moreover, as per the above submission the informant of the instant matter has been



murdered and the petitioner is stated to be the main accused in the murder of the said informant for which Nimchak Bathani P.S. Case No. 31 of 2008 has been lodged, in my view, it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

The trial court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next one year. If, any significant progress is not made in the trial of the petitioner due to prosecution particularly, with regard to non-production of the prosecution witnesses then the petitioner may renew his prayer for bail after one year.

(Shailendra Singh, J.)

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