

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10103 of 2024

Arising Out of PS. Case No.-73 Year-2016 Thana- NIMCHAKBATHANI District- Gaya

Md. Wakil @ Md. Wakil Miyan @ Dukhu @ Dukhu Miyan Son of Md. Alidaj
Miyan R/o vill - Manjhouli, P.S. - Nimchak Bathani, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Jamuar, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nimchak Bathani P.S. Case No. 73 of 2016 instituted for the
offences under Section 147, 148, 149, 504, 506 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accused persons
including the petitioner on 27.05.2016 at about 5.30 PM came in
Bandi Bazar and started indiscriminate firing with abusive
language and directed the shopkeepers to close the shop and
also stated that they will kill the person who has lodged the case
against them.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case due to previous enmity. There is a case and counter case between the parties. There is no specific and direct allegation against the petitioner rather the same is omnibus and general in nature and none has sustained any injury in the alleged occurrence. The petitioner has five criminal antecedents. The petitioner is languishing in judicial custody since 11.08.2023.

5. Learned counsel for the petitioner again submits that the similalry situated co-accused persons namely Md. Shakil @ Md. Shaakil Ahmed and Md. Raja @ Md. Ahmad Raja, Md. Pappu @ Md. Nawajish, Md. Meru @ Rizwan and Md. Tabree Alam have been granted bail by a Co-ordinate Bench of this Court vide orders dated 20.07.2021, 30.06.2021 passed in Cr. Misc. No. 13148 of 2021 and 14523 of 2021 respectively.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Nimchak Bathani
P.S. Case No. 73 of 2016.

(Rudra Prakash Mishra, J)

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