

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85954 of 2024

Arising Out of PS. Case No.-81 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

Wakil Miyan @ Dukhu Miyan @ Md.Wakil Ahmad S/O Late Alidaj Miyan
R/O Vill.- Manjhouli, P.S.- Neemachak Bathani, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-01-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Neemchak Bathani P.S. Case No. 81 of 2018 dated 15.06.2018 registered for the offences punishable u/ss 147, 148, 149, 447, 307 and 153(A) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 15.06.2018, the informant was sitting near the house of Jaysingh Yadav. In the meantime, the co-accused, Md. Shamsheer Alam came with a boy and asked about the person responsible for assaulting him. Thereafter, he started assaulting the informant with lathi and danda. When the informant's father came to rescue him then the



accused persons also assaulted him. It is further alleged that the petitioner and the co-accused persons came to the informant's house armed with rifle and started firing then the informant and his family members hid themselves in the house. Thereafter, the accused persons fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The charge-sheet has been submitted against the petitioner. It is further submitted that the petitioner was not apprehended from the spot. Learned counsel has further submitted that the petitioner has no concern with the alleged offence. The petitioner has seven criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 08.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Gaya in connection with Neemchak Bathani P.S.
Case No. 81 of 2018 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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