

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89731 of 2024

Arising Out of PS. Case No.-1 Year-2016 Thana- NIMCHAKBATHANI District- Gaya

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Bindhyachal Singh, Sr. Advocate Mr.Kunwar Narayan Jamuar, Advocate
For the Opposite Party/s :	Mr.Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 15-07-2025 Heard Mr. Bindhyachal Singh, learned Senior
Counsel for the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offences under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner (Md.
Wakil) has been alleged to have fired upon the head of Md.
Khalid who died on the spot.

4. Learned Senior Counsel for the petitioner submits
that petitioner is innocent and has falsely been implicated in this
case and there is contradictions in the statement made in the FIR
vis-a-vis post-mortem report and the petitioner though has been
stated to be the assailant, however, there is discrepancies in the



injuries as would appear from the post-mortem report. Learned Senior Counsel next submits that petitioner has three criminal antecedent and he is in custody since 30.01.2024 and from perusal of the report called for from the learned Trial Court, it seems that despite passage of so much time no witness has been examined till date and culmination of the trial seems a far possibility.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is the main assailant.

6. Considering the aforesaid facts and circumstances of the case, I am not inclined to grant the privilege of bail to the petitioner, however, looking at the period of custody and taking into account that till date no prosecution witness has been examined, the petitioner is granted liberty to renew his prayer for bail after nine months and the learned Trial Court is directed to issue N.B.W. against the charge-sheet witnesses and proceed in the trial on day to day basis.

7. With the aforesaid observations, this application stands dismissed.

(Sourendra Pandey, J)

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