

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22026 of 2026

Arising Out of PS. Case No.-1 Year-2011 Thana- NIMCHAKBATHANI District- Gaya

Md. Wakil @ Md. Wakil Ahamad @ Md. Wakil @ Md. Wakil Ahmad @ Wakil
Miyan@Dukhu@Dukhu Miyan S/o Late Md. Alidaz Miyan @ Md. Alidar
R/o Village- Manjhouli, PS- Nimchak Bathani, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Kunwar Narayan Jamuar, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-04-2026 Heard the learned Senior Counsel for the petitioner
and the learned APP for the State.

2. This is the 2nd attempt of the petitioner seeking bail
in connection with Nimchak Bathani P.S. Case No. 01 of 2011
registered for the offence under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Earlier the bail application of the petitioner was
rejected on 08.05.2025 in Cr. Misc. No. 8238 of 2025.

4. As per F.I.R., the occurrence had taken place on
02.01.2011. The specific allegation against the petitioner and
co-accused, Md. Imran is that he fired at Md. Pyaru who died
during course of treatment.

5. The case was registered in 2011. The petitioner was



charge-sheeted but chose not to appear and was therefore declared an absconder in 2016. The petitioner is now in custody since 24.01.2024 and is facing trial.

6. The learned Senior Counsel for the petitioner, Mr. Y.V. Giri submits that in the trial out of eight witnesses, three witnesses have been examined and of these three, two witnesses have turned hostile and one witness has changed the prosecution version. It is further submitted that only one injury has been caused to the deceased and therefore, the petitioner may be granted bail.

7. The learned APP for the State has vehemently opposed the prayer for bail and has submitted that the petitioner is an absconder and the trial has started. He also relies upon a judgment of the Hon'ble Supreme Court in the case of *X vs. State of Rajasthan & Anr, 2024 SCC OnLine SC 3539* particularly paragraph 16, to contend that the petitioner cannot be granted bail at this stage by examining the depositions of the witnesses.

8. Considering the aforesaid facts and circumstances of the case and taking into account the fact that the petitioner was an absconder for 13 years, as well as the law laid down by the Hon'ble Supreme Court in *X vs. State of Rajasthan & Anr*



(*supra*), this application is hereby rejected.

9. The Senior Superintendent of Police, Gaya is directed to ensure the attendance of the witnesses in the trial so that the trial is not delayed any further.

10. If the trial is still delayed by the prosecution, the petitioner has liberty to approach this Court.

(Sandeep Kumar, J)

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