

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19848 of 2019

Arising Out of PS. Case No.-53 Year-2017 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Md. Irshad @ Md. Irshad Alam @ Irshad Alam Son of Shakoor @ Mulli
Sakoor Resident of Village - Damodarpur, P.S. Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Md. Ataur Rahman

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

ORAL ORDER

4 26-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 53 of 2017 registered under Sections 147, 148, 149,
341, 342, 323, 324, 307, 302 and 120(B) of the Indian Penal
Code.

Petitioner along with other accused persons are said to
have stabbed to death son of the informant, namely, Md. Firdaus
and also stabbed his another son, Afroz.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
He has been falsely implicated in this case. Allegation levelled
against the petitioner is not specific rather general and omnibus



in nature. Petitioner has no criminal antecedent and has been languishing in custody since 18.03.2017. Earlier, the bail prayer of the petitioner was rejected twice by this Court and lastly vide order dated 01.08.2018 with direction to the learned court below to conclude the trial within six months and S.P., Muzaffarpur was directed to produce the witnesses in the Court on each and every date fixed in the case without fail, but in vain. Hence, the petitioner may be enlarged on bail.

Per contra, learned APP for the State opposing the bail prayer of the petitioner submitted that the injured Afroz has candidly stated that it is the petitioner, who has stabbed his brother to death and also stabbed him. Other witnesses have also supported the occurrence.

Vide letter no. 287/2019, learned court below has reported that charge in the case has already been framed on 06.11.2018 and the case is pending for prosecution evidence. Not a single witness has been produced despite issuance of Bailable warrant and N.B.W/A. He has submitted that nine to twelve months may be taken for conclusion of the trial.

Considering the facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.



However, learned court below is directed to conclude the trial as expeditiously as possible within six months from the date of receipt or production of a copy of this order fixing the case on day to day basis and S.P. Muzaffarpur is directed to ensure production of the witnesses in the case on each and every date fixed without fail else serious note will be taken against him.

Let a copy of this order be communicated to S.P. Muzaffarpur by fax for needful.

(Prakash Chandra Jaiswal, J)

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