

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87312 of 2019

Arising Out of PS. Case No.-72 Year-1999 Thana- KATRA District- Muzaffarpur

MD. IRFAN @ NIRALAY S/o- Abdul Bari R/o Village- Belpakauna, P.S.-
Katra, District- Muzaffarpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Arvind Kumar Verma, Advocate.
For the State	:	Mr. Md. Mushtaque Alam, A.P.P.
For the Informant	:	Mr. Santosh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

12 17-11-2021 The applicant/accused, in Crime No.72 of 1999 registered with Police Station-Katra for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act at the instance of the first informant Naushad Alam, by filing this application is praying for his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/accused.

He argued that in the trial, six witnesses are examined and other witnesses are not appearing. The trial is being delayed. While drawing my attention to the First Information Report lodged by the first informant Naushad Alam, it is argued that though the first informant has claimed that two persons fired at the deceased Abdul Malik, during autopsy, only one bullet was recovered from his body.



Thus, the applicant deserves to be released on bail during the pendency of the trial.

Learned Additional Public Prosecutor opposed the application by contending that though the alleged occurrence took place way back in the year 1999, the prosecution could apprehend the applicant/accused only in the year 2009 as he was absconding. Therefore, the application deserves to be rejected.

I have considered the submissions so advanced and also perused the materials placed before me.

The bail is granted only when the Court is assured that the applicant would be available for facing the trial. In the case in hand, as stated by the learned Additional Public Prosecutor, the applicant/accused was absconding for a period of about 10 years. The trial has already commenced. The first informant has categorically stated that applicant along with one another had fired bullet at the deceased Abdul Malik

In this view of the matter, considering the nature of offence so also the conduct of the applicant, no case for grant of bail to the applicant/accused is made out. Application is rejected.

(A. M. Badar, J)

P.S./-

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