

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48180 of 2023

Arising Out of PS. Case No.-864 Year-2013 Thana- AHİYAPUR District- Muzaffarpur

Md. Shakil @ Shakil, Son of Md. Nathuni Sah @ Nathuni Mian @ Md. Nathuni, Resident of Village- Gangti Bishunpur Jhapha, PS- Ahiyapur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-08-2023 Heard Mr. Radha Mohan Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No. 864 of 2013 registered for the offence punishable under Section 302 of the Indian Penal Code.

3. It is alleged that the informant got an information that his father was lying injured near flour mill at roadside, whereupon he rushed there and found his father dead. Suspicion has been raised against the petitioner and one another person, with whom there had been long standing enmity.



4. Learned counsel appearing on behalf of the petitioner submits that there is no eye witness to the alleged occurrence and the entire prosecution case is based upon the suspicion and save and except the fact that there was an enmity between the deceased and the petitioner, there is no iota of evidence suggesting his complicity. He also submits that even during the course of trial, with respect to one another co-accused person, the informant and other witnesses have not supported the prosecution case. In support of the aforesaid averments, the depositions of the informant and other witnesses have been brought on record.

5. On the other hand, learned APP for the State opposes the bail application and submits that the present case is of the year 2013 and the petitioner has remained absconded for about ten years.

6. Considering the submissions made on behalf of the parties and taking into account the fact that the petitioner has been evading the law for the last ten years, apart from one criminal antecedent, this Court is not persuaded to enlarge the petitioner on pre-arrest bail.

7. Accordingly, the prayer for grant of pre-arrest bail



to the petitioner stands rejected.

(Harish Kumar, J)

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