

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43710 of 2018

Arising Out of PS.Case No. -9 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR

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MD. AMJAD ALI @ AMJAD ALI

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Shrivastawa

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 25-07-2018 Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

Earlier, petitioner filed Cr. Misc. No. 13212 of 2015 for grant of anticipatory bail but his prayer for bail was rejected by this court vide order dated 29.06.2015 directing him to surrender before the court below within four weeks and seek regular bail. However, petitioner did not surrender before the court below and, in the meantime, police submitted final form exonerating the petitioner from the case but in course of trial of other accused, the petitioner was summoned by sessions court under section 319 of Cr. P. C taking note of this fact that in course of trial, several witnesses specifically stated that the petitioner gave iron rod below to the informant causing head injury which was found by



the doctor grievous in nature.

Learned counsel appearing for the petitioner submits that all the witnesses are family members of the informant and as a matter of fact, after due investigation police found the allegation leveled against the petitioner untrue.

In my view, it is not a fit case for grant of anticipatory bail and, accordingly, this anticipatory bail petition stands dismissed with direction to the petitioner to surrender before the court below and seek regular bail within six weeks from today, and if he does so, the learned trial court shall consider the regular bail application of the petitioner on its own merit particularly, keeping in mind that earlier after due investigation police had exonerated the petitioner from the case.

(Hemant Kumar Srivastava, J)

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