

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46209 of 2018

Arising Out of PS.Case No. -54 Year- 2018 Thana -AMDABAD District- KATIHAR

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1. Shabir @ Sk Sabir S/o Sk. Fakir @ Sk. Fakeer Mohammad, R/o Vill.-
Raghunathpur Kewala, P.S.- Amdabad, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-08-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Amdabad P.S.
Case No. 54/2018, instituted for the offences punishable under
Sections 147, 148, 149, 341, 323, 504, 307, 379 and 506 of the
Indian Penal Code.

In the written report, there is specific allegation
against this petitioner of assaulting the informant with *Farsa*
causing injury on his head. The petitioner again assaulted the
informant with back of *Farsa* on his shoulder. Injury report has
been enclosed as Annexure-4 to the bail petition, which shows that
the doctor has found sharp cut wound on right parietal temporal
region and swelling of right shoulder with one bruise and also



incised wound over chest. Injury no. 1 is opined to be grievous in nature.

Learned counsel for the petitioner has submitted that the petitioner was not present at the place of occurrence. He was present in the institute at the time of occurrence where he is student (Annexure-3).

This Court is of the view that plea of alibi can be properly looked into at the time of trial.

In the F.I.R., there is specific allegation against the petitioner. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

The petitioner is directed to surrender before the Court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, which shall be considered on its own merit without being prejudiced by this order.

(Sanjay Priya, J.)

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