

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25037 of 2018

Arising Out of PS.Case No. -59 Year- 2015 Thana -BIRaul District- DARBHANGA

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Sarfe Alam @ Md. Sarfe alam, S/o Shamse Alam @ Samser Alam @
Samshir Alam, R/o Vill.- Akbarpur Bank, P.S.- Biraul, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 17-05-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Biraul P.S. Case No. 59 of 2015** instituted for the offence under Sections 341, 323, 504, 324 and 506/34 of the Indian Penal Code.

As per written report, there is specific allegation against this petitioner of causing injury on the head of the informant with *Garansa*.

Learned counsel for the petitioner has submitted that police after investigation has not sent up this petitioner for trial and accordingly cognizance was not taken against this petitioner. Subsequently the informant filed Cr. Revision No.147 of 2017 challenging the cognizance order. The said revision application was allowed and cognizance order was set aside by the Court below. Thereafter the cognizance was taken against this petitioner along with



other co-accused persons by learned Additional Chief Judicial Magistrate, Biraul by order dated 31.01.2018. It has further been submitted that in the initial injury report which is Annexure-4, there was stitch wound over frontal region of head but doctor has mentioned that final injury report will be issued by the doctor who examined the patient first. The doctor who examined first found injury No. 1 to be grievous in nature.

Therefore this court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which will be considered by the Court below in accordance with law without being prejudiced by this order, if possible, on the same day.

(Sanjay Priya, J)

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