

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26499 of 2020

Arising Out of PS. Case No.-75 Year-2018 Thana- RIVILGANJ District- Saran

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NAVEEN SINGH, Son of Nagendra Singh Resident of Village - Gudri Bazar,
Ram Krishnapuri, P.S. - Bhagwan Bazar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-11-2020 Heard the learned counsel for the petitioner and

Mr. Md. Aslam Ansari, learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Rivilganj P. S. Case No. 75 of

2018 dated 13.03.2018, instituted for the offences

under Sections 302 and 34 of the Indian Penal Code.

The father of the informant is said to have been

stabbed by six persons including the petitioner. He has



received four incised wounds corresponding to the accusation made in the F.I.R. The informant is an eye-witness to the occurrence who also is a handicapped person.

It has been urged on behalf of the petitioner that one of the accused persons, namely, Vijay Rai was not found to be present at the time of the occurrence as he was on military duty. On this fact, he was granted anticipatory bail by a Bench of this Court.

If the *alibi* of one of the accused persons is accepted for grant of bail, that cannot be a defence for another accused person who is alleged to have assaulted the deceased.

Taking into account the number of incised injuries on the person of the deceased and the petitioner being one of the assailants, I am not inclined to grant anticipatory bail to him, notwithstanding the fact that he is only 22 years of age and has a clean antecedent.

The prayer for anticipatory bail is rejected.



However, if the petitioner surrenders before the court below and seeks bail, his petition shall be considered on its own merits, without being prejudiced by the fact that the present petition has not been entertained by this Court.

(Ashutosh Kumar, J)

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