

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31475 of 2020**

Arising Out of PS. Case No.-18 Year-2020 Thana- AAJAM NAGAR District- Katihar

MD. MOJAMMIL @ MD. MUJAMMIL Son of Late Majeed Resident of
Village- Jitwarpur, Gorakhpur, P.S.- Azamnagar (O.P. Salmari), District-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Chandra Patel, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 11-01-2021 Heard Mr. Harish Chandra Patel, learned counsel for
the petitioners and Mr. Damodar Prasad Tiwary, Additional
Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Azamnagar PS Case No. 18 of 2020 registered for the offence
punishable under Sections 341, 323, 307, 379, 504, 506/34 of
the IPC.

3. The allegation, as per First Information Report, is
that petitioner assaulted the son of the informant by means of
iron rod on his head.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to the
matrimonial dispute between son of the informant and daughter



of the petitioner. Learned counsel further submits that the informant is not an eyewitness and daughter of the petitioner has filed a Complaint Case No. 248/2020 against the informant and others.

5. On the other hand, learned counsel for the State, referring to the injury report (Annexure-2 to this petition) submits that the victim has received grievous injury on his head.

6. Having regard to submissions made by the parties and taking into consideration the material on record and the fact that there is direct allegation of assault against the petitioner and the victim has sustained grievous injury, I am not inclined to grant anticipatory to the petitioner. Accordingly, the same is rejected.

7. However, if the petitioner surrenders before the court below and seeks regular bail, the same may be considered on its own merit without being prejudiced to the instant order.

(Anil Kumar Sinha, J)

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