

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63094 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- BAHERA District- Darbhanga

Amir Khan @ Amir Raja S/O- Chand Khan R/O Village Ashapur, P.S-
Bahera, District- Dharbanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-04-2023 Heard both parties.

The petitioner apprehends his arrest in Bahera P.S.
Case No. 162 of 2022, registered for the offences punishable
under Sections 323, 341, 353, 504/34 of the Indian Penal Code.

Prosecution case in brief is that on the alleged date
and time of occurrence, while the informant was returning for
his house, petitioner and co-accused Areef riding on motorcycle
came and started abusing him. On protest, one Kamran and
Areef having iron rod in their hands assaulted the informant on
his head, causing head injury. When informant fell down on the
ground, this petitioner assaulted him with *lathi* on his back and
leg.

It is submitted that petitioner has been falsely
implicated in this case due to village politics. There is no



allegation of repetition of blow, therefore, no offence under Section 307 is made out. Lastly, it is submitted that on the alleged date and time of occurrence petitioner was at Siwan suffering from stomachache.

Counsel for State opposed and submitted that injury attributed to this petitioner is grievous in nature.

Considering the facts aforesaid and nature of injury, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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