

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42477 of 2019

Arising Out of PS. Case No.-146 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

1. Pankaj Kumar Malakar, S/O Late Mahendra Malakar, R/o Mohalla- Mangala Asthan, P.S.- Laheri, District- Nalanda.
2. Sandeep Kumar @ Rocky Kumar @ Rauky, S/O Pankaj Kumar Malakar, R/o Mohalla- Mangala Asthan, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 07-11-2019 Learned counsel for the petitioners submits that petitioner no. 2, namely, Sandeep Kumar @ Rocky Kumar @ Rocky has been arrested by the police, so he seeks permission to withdraw this application with respect to petitioner no. 2.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no.2.

Heard learned counsel for the petitioner no.1 and the learned A.P.P. for the State.

The petitioner no.1 apprehends his arrest in connection with Laheri P.S. Case No. 146 of 2019, registered under Sections 307, 379 and other allied Sections of the Indian



Penal Code.

The accusation is that at about 3.30 P.M., on 07.04.2019, informant Sonu Kumar was at his grocery shop situated at Mohallah Sheopur, at that time, on tempo advertisement was being done through loudspeaker regarding Nalanda Public School. In the meantime, four persons named in the FIR including the petitioners came near the tempo boarding on two motorcycles and started to abuse and assault to the tempo driver. At that time, Sandeep Kumar @ Rocky (petitioner no.1) and Dhananjay Kahar @ Manjhi were indulged in damaging the tempo and loudspeaker and they also reached at his grocery shop and demanding Rs.10,000/- as ransom. In the meantime, Sandeep Kumar @ Rocky (petitioner no.1) pointed the pistol at him and took cash of Rs.15,000/- from the cash box. When he made protest then all started to cause assault and Sandeep Kumar @ Rocky (petitioner no.1) caused injury at his head through butt of the pistol. When he fell down then all entered in the shop of Nilesh Kumar and Bikash Kumar and made demand of ransom. In that course, Sanjay Kumar and Bikash Kumar were also assaulted by them.

Learned counsel for the petitioners submits that, in fact, occurrence took place in Bus Stand, in which, petitioner



no.1 was doing his job and the informant put the articles of his grocery shop on the road due to that reason, scuffle took place, but with ulterior motive, informant has lodged the present case with false allegation. Further submission is that petitioner no.1 has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner no.1 be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Laheri P.S. Case No. 146 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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