

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9695 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- SOHSARAI District- Nalanda

1. SHANKAR KUMAR,
2. Sanjeev Kumar,
Both are Sons of Surendra Sao, Resident of Village/Mohalla- Mogal Kuan,
P.S.- Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-06-2020 This case has been heard through Video Conferencing.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 448, 341, 323,
325, 379, 308, 34 of the Indian Penal Code.

Informant Dhiraj Kumar has alleged on 01.02.2020 at
about 8.45 p.m., the accused petitioners and Surendra Sao came
and assaulted by means of lathi-danda with intent to kill him.
Accused petitioner Shankar Kumar assaulted him by means of iron
rod and when he saved him from his hand, he caused fracture
injury on his hand and he also sustained injury beneath his eye and
blood started oozing. Accused petitioner Sanjeev Kumar took out
Rs.5,000/- from his pocket.



Learned counsel for the petitioners submits that the petitioners are innocent, have committed no offence and they have been falsely implicated in this case. He further submits that all the alleged offences are bailable except Sections 308 and 379 of the I.P.C. and Section 308 is not attracted from the facts of the case and Section 379 is superfluous addition to make the case non-bailable. The petitioners have got clean antecedent.

Considering the aforesaid facts and nature of allegations against the petitioners as well as the injuries have been found grievous in nature, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners are rejected in connection with Sohsarai P.S. Case No. 002 of 2020 from the Court of learned Chief Judicial Magistrate, Biharsharif, Nalanda.

Accordingly, the application is dismissed.

However, petitioners are directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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