

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25070 of 2020

Arising Out of PS. Case No.-246 Year-2019 Thana- BIHARSHARIF District- Nalanda

1. PANKAJ KUMAR S/o Late Rajaram Sharma Resident of Village-Muraura, P.S.-Biharsharif, District-Nalanda.
2. Bishal Kumar @ Vishal Kumar S/o Pankaj Kumar Resident of Village-Muraura, P.S.-Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-09-2020 Heard both sides through Video Conferencing.

The petitioners seek bail in Bihar P.S. Case No.246 of 2019 registered under Sections 341, 342, 323, 307, 379 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that while he was returning with his friend, Mukesh Kumar from Biharsharif market on a motorcycle on 23.03.2019 and when he reached near Hanuman Mandir, Pankaj Kumar(petitioner No.1) and Bishal Kumar @ Vishal Kumar(petitioner No.2), son of Pankaj Kumar surrounded him. They were armed with pistol. Bishal Kumar @ Gopal Kumar fired which hit on his right side of chest. Vishal Kumar and Pankaj Kumar also made indiscriminate firing and the shot hit on his abdomen, right hand, wrist and elbow.

The learned counsel for the petitioner submits that informant did not receive any injury on any part of his body. Bishal Kumar @ Gopal Kumar has already been enlarged on



bail vide order dated 23.06.2020 passed in Cr. Misc. No.19812 of 2020. Learned counsel for the petitioner submits that although the informant alleged that on account of firing made by Bishal Kumar @ Gopal Kumar and these two petitioners, he received injury on different parts of his body but there is no firearm injury on any part of the body of the informant and on consideration of such submission, Bishal Kumar @ Gopal Kumar was granted bail. The case of the petitioner stands on the same footing.

Taking into consideration the facts aforesaid, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No.246 of 2019.

If there is firearm injury on the body of the informant, the informant may move this Court for cancellation of bail of the petitioners.

(Prabhat Kumar Jha, J)

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