

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38267 of 2018**

Arising Out of PS. Case No.-74 Year-2018 Thana- LALGANJ District- Vaishali

Sugandh Kumar @ Sugandh Sah Son of Jay Prakash Sha, resident of Village-  
Gachiya, Police Station- Khuriya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      09-07-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
11.03.2018 in connection with Lalganj P.S. Case No.74 of 2018  
for offences punishable under Section 414/34 of the Indian  
Penal Code and Sections 25 (1-b)a/26/35 of the Arms Act.

The prosecution case, as lodged by the informant  
police personnel, is that during vehicle checking they  
intercepted a motorcycle carrying two persons and on seeing the  
police they tried to flee away. The petitioner was apprehended  
and one co-accused Jai Prakash Ram, whose name was revealed  
by the petitioner, fled away. On search, from the possession of  
the petitioner one country-made pistol with two live cartridges  
and some articles like scissors etc. for use in loot was seized.



The motorcycle also did not bear any number and petitioner did not give any satisfactory reply.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no overt act has been committed and his statement and confession made before the police is taken on coercion. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 74 of 2018, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (ii) Learned Court below will ascertain the criminal antecedent of the petitioner before releasing the petitioner on bail and if it is found that the petitioner has a criminal antecedent the bail order will not be given effect to.

**(Nilu Agrawal, J)**

Rajesh/Pragya

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