

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26209 of 2019**

Arising Out of PS. Case No.-727 Year-2018 Thana- AGAMKUAN District- Patna

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VIJAY KUMAR S/o Santosh Kumar @ Santosh Prasad R/o Mohalla- Kahar  
Toli, Mahabir Asthan, Mangal Talab, P.S.- Chowk, District- Patna, Presently  
resides in Mohalla- Chowk Shikarpur Nalapar (Tenent in the house of Sobha  
Devi), P.S.- Chowk, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Nawal Kishore Singh

For the Opposite Party/s : Mr.Shailendra Kumar

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

2      10-05-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since  
25.09.2018 in connection with Agamkuan P.S. Case No. 727 of  
2018 for offences punishable under Sections 399, 402 and 414  
of the Indian Penal Code.

The prosecution case as lodged by the police  
personnel is that while on patrolling duty, they got secret  
information that 5-6 persons have assembled near the Shitla  
temple and are planning to commit Dacoity. On reaching the  
place, three persons managed to flee away but the petitioner



along with two others were apprehended. On search from the possession of the petitioner one country made pistol loaded with one live cartridge was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. It is further submitted that no overt act has been alleged to have been committed by the petitioner, charge-sheet has already been submitted and the petitioner is languishing in judicial custody since more than seven months.

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

Considering the nature of allegations, period of custody and that the charge-sheet has already been submitted coupled with the fact that the petitioner does not bear any criminal antecedent, let the 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 the learned Additional Chief Judicial Magistrate-Patna City in connection with Agamkuan P.S. Case No. 727 of 2018, subject to the condition that one of the bailors would be close relative of



the petitioner having sufficient immovable properties, who will  
file an affidavit stating his relationship with the petitioner.

**(Nilu Agrawal, J)**

devendra/-

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