

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54387 of 2019**

Arising Out of PS. Case No.-391 Year-2017 Thana- NAUBATPUR District- Patna

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SUGAM @ SUGAM KUMAR, Son of Sri Bhushan Sharma Resident of  
Village - Nisarpura, P.S.- Naubatpur, Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

4      16-11-2019                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Naubatpur P.S. Case no. 391 of 2017, registered under  
Sections 341, 307 and 34 of the Indian Penal Code and Section  
27 of the Arms Act.

The accusation is that informant Kishlay Kumar @  
Bittu along with his friend Shilanjali Sarkar were present at his  
door. At that time, Vikash Kumar, Sugam Kumar (Petitioner)  
and four others came boarding on three motorcycle and they  
were also served tea in the evening of 23.11.2017. Thereafter,  
Vikash Kumar asked him to see off him for some distance, then  
informant Kishlay Kumar and his friend Shilanjali Sarkar  
boarded on motorcycle and proceeded with them, when they



reached at turning of Chitani village then Vikash Kumar and his associates fired at them in which his friend sustained fire arm injury, while Shilanjali Sarkar accelerated the speed of motorcycle and moved towards Ragniya Bagh, but he fell down from the motorcycle and, anyhow, he saved his life.

Learned counsel for the petitioner submits that, in fact, informant and his friend Shilanjali Sarkar are doing the business of purchasing and selling of land and petitioner was also partner in the said business and due to some money dispute, the informant lodged the present case with false allegation. Moreover, after investigation, the Police submitted Chargesheet against co-accused Vikash Kumar, but no any injury report has been detailed in the case diary, which is up to paragraph No.30. Further submission is that specific allegation of firing is against co-accused Vikash Kumar and other and not against the petitioner. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 2<sup>nd</sup> Addl. Chief Judicial Magistrate, Danapur, Patna in connection with Naubatpur P.S. Case No. 391 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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