

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48566 of 2025

Arising Out of PS. Case No.-93 Year-2024 Thana- GOPALGANJ TOWN District- Gopalganj

Shivam Kumar, (M), aged about 21 years, son of Bijendra Ram, resident of
Village- Dilawarpur, P.S- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Gopalganj Town PS Case No.93 of 2024 dated 02.02.2024,
instituted for the offence punishable under Sections 395, 397 of
the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on the alleged
date of occurrence 6-7 unknown persons armed with firearms
entered into the office of Sri Ram Finance, Banjari, and
demanded the key of the vault. When the key of the vault was
not provided, they assaulted Priya Kumari, one of the staff and
fired on the thigh of the informant. They also took out rupees
five thousand and one mobile from the wallet of the informant.
All the accused persons fled away when they did not get the key



of the vault.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The FIR has been lodged against unknown persons. Only on the basis of confessional statement of one Tanweer Alam, who was arrested in connection with some other case, the petitioner has been made accused in this case. Nothing has been recovered either from conscious possession or from the house of the petitioner. Lastly, it is submitted that the petitioner is in custody since 25.11.2024 and three criminal cases are pending against the petitioner. Charge-sheet has also been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, in Gopalganj Town PS Case No.93 of 2024, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the



Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) that the petitioner within two weeks from the date of his release from judicial custody shall appear before the SHO of local PS along with a copy of this order and thereafter shall appear every fortnightly before him to mark his attendance till the framing of charge in the case.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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