

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71507 of 2025

Arising Out of PS. Case No.-382 Year-2023 Thana- GOGRI District- Khagaria

Shivam Kumar @ Shivam Kumar Patel, S/o- Prakash Mandal @ Prakash Patel ,R/o village - Patel tola Vishwas Nagar , P.s- Gogri , District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 31-10-2025 Heard Mr. Vivekanand Singh, the learned counsel for the petitioner and Mr. Ajay Kumar No.2, the learned A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in connection with Gogri P.S. Case No. 382 of 2023 registered for the offences punishable under Sections 341, 326, 302, 120(B) of the Indian Penal Code.

3. The prosecution case is to the effect that one Md. Ayub gave a written report alleging therein that his son, namely, Md. Sonu was done to death near Simal cotton tree by miscreants who had given him a knife blow. As per the FIR, it has been stated that around 8 to 10 persons were standing there and the witnesses have identified three out of those persons, namely, (1) Vishal (2) Ritesh and (3) Gaurav Kumar @ Gaurav



Yadav.

4. The learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has transpired during the course of investigation. There is no specific allegation of any overt act levelled against the petitioner and the named accused persons have been granted bail by this Hon'ble Court. It has been pointed out that though the witnesses have named three persons in the FIR but had not named the person, who had stabbed. The learned counsel lastly submits that the petitioner has two criminal cases against his name and he is on bail in the said cases and he is in custody since 17.06.2025

5. The learned A.P.P. has vehemently opposed the prayer for bail and stated that the petitioner was one of the accomplice of the main accused persons and hence does not deserve bail.

6. Considering the aforesaid submissions made by the parties and taking account that there is no specific allegation against the petitioner, who was not even named in the FIR, let the petitioner, above named, be released 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 court below



where the case is pending/successor court in connection Gogri P.S. Case No. 382 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Khagaria within fifteen days of his release with a copy



of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned, order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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