

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3012 of 2026

Arising Out of PS. Case No.-240 Year-2025 Thana- KAMTAUL District- Darbhanga

Shivam Kumar @ Suman Kumar Son of Jayoti Narayan Thakur @ Jot Narayan Thakur Resident of village -Barhampur p.s-Kamtaul Dist -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2026 Heard Mr.Girish Chandra Jha learned counsel for the petitioner and Mr.Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since 11.11.2025 in connection with Kamtaul P.S. Case No. 240 of 2025, F.I.R. dated 07.11.2025 registered for the offence punishable under Sections 309(4) of BNS.

3. The FIR of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Sunil



Kumar Pandey and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and till date no TIP has been conducted by the prosecution and the petitioner is in custody since 11.11.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, petitioner is not named in the FIR, the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person and till date no TIP has been conducted by the prosecution, 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 learned Judicial Magistrate, Darbhanga in connection with Kamtaul P.S. Case No. 240 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the 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.

(Rajesh Kumar Verma, J)

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