

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29709 of 2026

Arising Out of PS. Case No.-39 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Vivek Kumar Son of Ram Sushil Ray Resident of village- Simri PS-
Vidyapatinagar District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2026 Heard Mr. Madhav Kumar, learned counsel for the

petitioner and Mr.Ram Sevak Choudhary, learned Additional

Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
15.12.2025 in connection with Bibhutipur P.S. Case No. 39 of
2019, F.I.R. dated 10.02.2019 registered for the offence
punishable under Sections 392 of IPC and later on the case
has been converted into Section 395 & 412 of the IPC.

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, Chandan Kumar and till date no TIP has been conducted by the prosecution and nothing has been recovered from conscious possession or the House of the petitioner and the co-accused person, namely, Chandan Kumar, who has confessed the name of the petitioner, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 28.08.2019 passed in Cr. Misc. No. 33251 of 2019, and co-accused person namely Santosh Kumar @ Santosh Kumar Suman has also been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 06.05.2019 passed in Cr. Misc. No. 28576 of 2019 and the police, after investigation, submitted the charge sheet against the petitioner and the petitioner is in custody since 15.12.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three 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 SDJM Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 39 of 2019, 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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