

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27949 of 2026

Arising Out of PS. Case No.-579 Year-2025 Thana- RAJGIR District- Nalanda

Shivam Kumar @ Gulla Son of Late Ramakant Upadhyay @ Ramakant
Pandey Resident of Village- Ramhari Pind PS- Rajgir Dist- Nalanda
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2026 Heard Mr. Sanjay Prasad, learned counsel for the
petitioner as well as Mr. Sanjay Kumar Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.10.2025 in connection with Rajgir P.S. Case No. 579 of 2025,
F.I.R. dated 03.10.2025 for the offences punishable under Sections
305(a), 331(4), 317(2)) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged
some unknown miscreants entered his house and took away
Rs. 2,85,000/- cash, jewellery of worth Rs.1,50,000/-, T.V and
other valuable articles.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. Petitioner is not named in the FIR and his name
transpired on the basis of disclosure made by co-accused persons,



namely, Dinanath Choudhary @ Bauya Chaoudhary and Arayan Kumar @ Mithun Kumar. Although the police supported the fact that recovery have been made from the house of the petitioner but the articles which were recovered from the house of the petitioner were not mentioned in the FIR and Dinanath Choudhary @ Bauya Chaoudhary and Arayan Kumar @ Mithun Kumar have been granted the privilege of bail by the lower Court itself vide order dated 03.01.2026 and 04.12.2025 in B.P No. 1631 of 2025 and B.P. No. 1567 of 2025. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.10.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Rajgir P.S.



Case No. 579 of 2025, subject to 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 absence on two consecutive dates without sufficient reason, his 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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