

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2147 of 2026

Arising Out of PS. Case No.-60 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

Shivam Kumar @ Shivam Gupta Son of Rambabu Sah Resident of Village -
Kauahan, P.S. - Govindganj, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balgovind Sharma, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 309(4) of the BNS, 2023.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and is in custody since
01.05.2025 and the informant alleges that he along with his
friend on 03.02.2025, at 04:00 p.m., were going to Motihari
from Gorakhpur, when a Bolero dashed the motorcycle from
behind and from the Bolero two accused alighted and, on the
point of pistol, snatched their mobile and Rs.2,000/- along with
the motorcycle.

4. Learned counsel for the petitioner submits that FIR
was against unknown and the name of the petitioner transpired
in the confessional statement of Dheeraj Kumar. It is further



submitted that Dheeraj Kumar had approached this Court seeking regular bail by filing Cr. Misc. No. 41133 of 2025 and the same came to be allowed vide order dated 27.06.2025 passed by a learned Coordinate Bench of this Court. Similarly, Amit Kumar, whose name transpired in the confession of Dheeraj Kumar, also approached this Court seeking regular bail by filing Cr. Misc. No. 32086 of 2025 and the same also came to be allowed vide order dated 22.05.2025 by a learned Coordinate Bench of this Court. It is, thus, submitted that the name of this petitioner also transpired in the confessional statement of Dheeraj Kumar and since Dheeraj Kumar and Amit Kumar have been granted the privilege of regular bail by the learned Coordinate Bench of this Court, hence, maintaining parity, the petitioner should also be released on bail.

5. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that during the course of investigation, the looted mobile was recovered from Dheeraj Kumar and Dheeraj Kumar disclosed that the occurrence on 03.02.2025 was committed by him along with other accused persons including the petitioner. Further, Dheeraj Kumar and Amit Kumar confessed about their participation in the crime along with the petitioner and the



looted motorcycle was also recovered at the instance of the apprehended accused. Learned A.P.P. next submits that from perusal of the order dated 27.06.2025 in Cr. Misc. No. 41133 of 2025, it would manifest that the same records that no incriminating article was recovered from possession of Dheeraj Kumar when the looted mobile was recovered from the possession of his mother who had disclosed that the said mobile was given to her by Dheeraj Kumar. It is also submitted that even the looted motorcycle was recovered at the instance of the apprehended accused but then it appears that the correct facts were not placed before the learned Coordinate Bench of this Court when the regular bail application of Dheeraj Kumar and Amit Kumar was being argued. It is further submitted that petitioner has antecedent of two cases and if the privilege of regular bail is granted to the petitioner, the petitioner may abscond.

6. At this stage, learned counsel for the petitioner reiterates and submits that name of the petitioner transpired based on the confessional statement of apprehended accused but then nothing was recovered from possession of the petitioner and charges against him have been framed and Dheeraj Kumar, Amit Kumar and others have been granted the privilege of



regular bail.

7. After hearing the learned counsel for the parties, since charges against the petitioner have been framed, as such, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Motihari Mufassil P.S. Case No. 60 of 2025.

8. However, it is made clear that if the learned Trial Court comes to a conclusion that the petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is further made clear that the learned Trial Court will verify as to whether charges against the petitioner have been framed or not and if it is found that charges have not been framed in that event the present bail order shall not be given effect to.

(Satyavrat Verma, J)

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