

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.422 of 2025

Arising Out of PS. Case No.-172 Year-2024 Thana- MAIRWAN District- Siwan

Vikash Rajbhar S/O Shri Mohan Rajbhar Reident of Village- Muriyari Tola,
P.S- Mairwa, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishal Kumar Gond S/O Umesh Gond R/O Village- Muriyari, P.S- Mairwa,
Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 07-07-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 18.12.2024 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, Siwan whereby
the prayer for bail of the appellant in connection with Mairwan
PS Case No. 172 of 2024 under Sections 302, 120(B) & 201 of
the Indian Penal Code and Section 3(2)(v) of the SC/ST Act,
was rejected.

3. As per prosecution case, the accusation against the
appellant is of calling the brother of the Informant from his



house along with co-accused and killing him and hiding his body in the bushes at the bank of Jharhi river.

4. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence as alleged in the F.I.R. and has falsely been implicated in the present case merely on the basis of suspicion. Except suspicion, there is no concrete evidence which connects the appellant with the alleged occurrence. He further submits that though as per F.I.R., it appears that the deceased was brutally killed but, from the postmortem report, no external injury has been found on the body of the deceased rather apprehension of intake of poison has been raised. From perusal of the F.I.R. itself, it appears that the dead body of the deceased was recovered on the basis of the disclosures made by the co-accused Santu Singh. The F.I.R. has been lodged in this case after 24 hours of the time of occurrence without there being any plausible explanation for such delay. The postmortem report also contradicts the narration floated by the Informant in the F.I.R. The appellant has no concern with the alleged occurrence or with the co-accused persons. The appellant is in custody since 09.06.2024 and has no criminal antecedent. Other similarly situated co-accused person has been enlarged on bail by this Court vide order dated 19-11-2024,



passed in Cr. Appeal (SJ) No. 4267 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 18.12.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan is hereby set aside.

7. The appeal stands allowed.

8. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mairwan PS Case No. 172 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate 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 in the event of failure on two consecutive dates without



sufficient reasons, his bail bond shall be liable to be cancelled
by the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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