

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.91336 of 2025

Arising Out of PS. Case No.-234 Year-2025 Thana- DESARI District- Vaishali

Raju Kumar S/O Vishwanath Rai Resident Of Village Chakjamal, P.S.-  
Desari, (Sahdei O.P.), Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 2024 of 2026

Arising Out of PS. Case No.-234 Year-2025 Thana- DESARI District- Vaishali

Vishwanath Rai S/o Late Shankar Rai R/o Village- Chakjamal, P.S- Desari  
(Sahdei O.P), Dist- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 91336 of 2025)

For the Petitioner : Mr. Shivjee Singh, Advocate

For the Opposite Party-State: Mr. Jagdhar Prasad, APP

For the Informant : Mr. Umesh Kumar Yadav, Advocate

(In CRIMINAL MISCELLANEOUS No. 2024 of 2026)

For the Petitioner : Mr. Shivjee Singh, Advocate

For the Opposite Party-State: Mr. Amitesh Kumar, APP

For the Informant : Mr. Umesh Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR  
ORAL ORDER

3      19-03-2026                      As the both the cases arise out of the same FIR, at  
  
the joint request of the parties, they are being heard together and  
  
disposed of by this common order.

2. Heard learned counsel for the petitioners, learned  
  
counsel for the Informant and learned A.P.P. for the State in both  
  
the cases.

2. The petitioners seek bail in connection with Desari



(Sahdei) P.S. Case No. 234 of 2025, registered for the offences under Sections 103, 61(2) and 3(5) of the Bhartiya Nayay Sanhita.

3. As per the prosecution case, the son of the informant was murdered by strangulation and his dead body was hung underneath a *puliya* on a tree in front of the house of the informant. It is alleged that, on 29.06.2025, the son of the informant was kidnapped and these petitioners along with other named accused persons and 4-5 unknown persons conspired to kill the informant's son. It is alleged that two years ago, they had brutally assaulted the informant and had also threatened to wipe out her heirs.

4. Learned counsel appearing for the petitioners submits that on the face of it, the allegation against the petitioners appears to be palpably false as it is not expected that after killing the deceased his dead body would be hung in front of the house of the informant. Moreover, the postmortem report goes to suggest that the duration of death was within 72 hours while the allegation of kidnapping is on 29.06.2025 and recovery of dead boy is stated to be on 30.06.2025 at 09:00 am and hence the time of death does not match with the allegations levelled. There is no eyewitness to the case and the motive



against the petitioners appears to be stale one. The petitioner of Cr. Misc. No. 91336 of 2025 is in custody since 12.10.2025 and he has clean antecedents, whereas petitioner of Cr. Misc. No. 2024 of 2026 is in custody since 07.12.2025 and he is accused in one case, but not of similar nature, in which final form has been submitted against him.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioners and submitted that during the course of investigation, one witness, in paragraph 161 of the case diary, has stated that on the fateful day, i.e., on 29.06.2025, he being a mason was returning to his house, he saw the deceased in the company of the petitioners and others and that witness was threatened with dire consequences and was forced to flee away from the place of occurrence and there is strong motive against the petitioners and the postmortem report also suggests injuries on the person of the deceased although the death has been opined to be caused by asphyxia due to strangulation.

6. In the facts and circumstances of the case and considering the statement recorded in paragraph 161 of the case diary, which appears to have been made almost about three months of the occurrence, and there being no eyewitness to the



occurrence, the period of custody, that the charge-sheet has been filed in the case and there is no allegation of tampering, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Vaishali at Hajipur, in connection with Desari (Sahdei) P.S. Case No. 234 of 2025.

**(Praveen Kumar, J)**

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