

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8789 of 2026**

Arising Out of PS. Case No.-5 Year-2022 Thana- BARGAINIA District- Sitamarhi

Vivek Mishra Son of Raju Mishra Resident of village- Gaur PS -Gaur Dist-  
Rauhat @ Rauthat, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rampravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Murli Dhar,A.P.P

**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
**ORAL ORDER**

4      21-04-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bairgania P.S. Case No. 05 of 2022 registered for the offences punishable under Sections 302, 201, 120 (B) and 34 of the I.P.C.

3. As per the prosecution case, the petitioner along with named co-accused persons and other unknown miscreants came to the house of the informant and took informant's son Rohit Kumar Jaiswal with them and when he did not return for about 2-3 hours the family members started looking for him but did not find trace of him. It is alleged that subsequently the dead body of the deceased son of the informant was found lying underneath a *pul* near Bagmati Purana Ghat.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He further submits that the F.I.R has been registered after the recovery of the dead body. The name of the petitioner transpired on the basis of confessional statement of Prithvi Singh Chauhan before police while in police custody which has got no evidentiary value in the eyes of law. The material against the petitioner is that he was found to be present at the shop along with co-accused persons and the deceased is a subsequent development by the prosecution to falsely implicate the petitioner, since no Test Identification Parade of the petitioner has been done. There is no eye witness to the occurrence of the murder. The motorcycle allegedly used/seen at the meat shop was of co-accused Prithvi Singh Chauhan @ Lakshpratap Singh and not that of petitioner. It has further been submitted that the materials collected during the investigation does not support the allegation against the petitioner. Moreover, the petitioner is in custody since 10.09.2025 and he is accused in one case but is not out of same offence. Petitioner undertakes to co-operate in the trial.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.



6. Heard the parties and perused the record, considering the aforesaid submissions of the parties, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-II, Sitamarhi in connection with Bairgania P.S. Case No. 05 of 2022, subject to the following condition:-

(i) The petitioner shall be present on each and every date fixed in the trial and on default on two consecutive dates without any valid reason, the court below would be at liberty to cancel his bail bond.

(ii) It is further directed that the petitioner would not tamper with the evidence and if he does so, the prosecution would be at liberty to file an appropriate application for cancellation of his bail bond.

7. The application stands allowed

**(Praveen Kumar, J)**

vashudha/-

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