

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42281 of 2026

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

1. Brijnath Rai @ Brijnath Ray @ Bijnath Ray @ Bijnath Kumar S/o Late Ganaur Rai @ Ganaur Ray Resident Of Village- Chak Jamal, Ward No 7, Ps- Desari (Sahdei OP), Dist- Vaishali
2. Ashok Rai @ Ashok Ray S/o Shobhit Rai @ Ram Sobhit Rai @ Shobhit Ray Resident Of Village- Chak Jamal, Ward No 7, Ps- Desari (Sahdei OP), Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh
For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-06-2026 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 bridge 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. Petitioners have one criminal antecedent and are in custody since 16.05.2026.

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.

(Sandeep Kumar, J)

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