

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3678 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- SAHIYARA District- Sitamarhi

Rajeev Kumar Son of Late Yogendra Singh Resident Of Village- Kamaldah,
Ward No. 15 Dharampur, PS -Bathnaha District -Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Gangawati Devi wife of Ram Bali Village - Pure Chandi, Majre Meramau
PS -Gurubakshganj District -Raibareli, Uttar Pradesh

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3697 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- SAHIYARA District- Sitamarhi

Sanjeev Kumar @ Sandeep Kumar son of Bihari Mahto Resident of Ward NO
1 Sirsian PS- Tariyani Chapra, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Gangawati Devi wife of Ram Bali Village -Pure Chandi, Majre Meramau
PS- Gurubakshganj District -Raibareli Uttar Pradesh

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3906 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- SAHIYARA District- Sitamarhi

Vijay Kumar Son of Shivjee Singh @ Shivaji Mahato @ Shivji Mahto
Resident Of Village- Madhubani Tola PS- Saihiyara District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Gangawati Devi Wife of Ram Bali Village -Pure Chandi, Majre Meramau,
PS- Gurubakshganj, District -Raibareli, Uttar Pradesh

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 3678 of 2025)
For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Advocate



Mr. Rakesh Singh, Advocate
For the State : Mr. Binay Krishna, SPP
For the Informant : Ms. Madhubala Verma, Advocate
Mr. Chitransh Raj, Advocate
(In CRIMINAL APPEAL (SJ) No. 3697 of 2025)
For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Rakesh Singh, Advocate
For the State : Mr. Binay Krishna, SPP
For the Informant : Ms. Madhubala Verma, Advocate
Mr. Chitransh Raj, Advocate
(In CRIMINAL APPEAL (SJ) No. 3906 of 2025)
For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Rakesh Singh, Advocate
For the State : Mr. Binay Krishna, SPP
For the Informant : Ms. Madhubala Verma, Advocate
Mr. Chitransh Raj, Advocate

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

ORAL ORDER

4 15-01-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 23.05.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Sitamarhi whereby the prayer for bail of the appellants in connection with Sahiyara PS Case No. 56 of 2025 instituted under Sections 126(2), 127(2), 115(2), 137(2), 140(3), 352, 351(2), 351(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that the informant stated that her son Jitendra had been taken for work to '*Vitiya Brick Kiln*', *Madhubani*, about two months earlier by co-



accused Raju. On 31.03.2025 at around 7–8 PM, Jitendra called her and alleged that the brick kiln owner Vijay Kumar, *Munshi* Sanjeev Kumar, tractor driver, Naresh Kumar, and the Rajeev Kumar were assaulting him and he feared being killed. Thereafter, no further contact was made, leading the informant to suspect that her son had been abducted.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants submits that no specific allegation has been attributed against the appellants, namely, Rajeev Kumar and Sanjeev Kumar, rather the same is general and omnibus in nature. It is next submitted that there is no eye witness to the said occurrence. Dead body of the deceased has allegedly been recovered on the confession of appellant, namely, Vijay Kumar. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellants, namely, Rajeev Kumar and Vijay Kumar are in custody since 23.04.2025 and have one



criminal antecedent each, whereas, appellant, namely, Sanjeev Kumar is in custody since 30.04.2025, having no criminal antecedent. Other co-accused has been granted bail by this Court vide order dated 16.10.2025 passed in Cr. Appeal (S.J.) No. 2333 of 2025.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants. It is submitted that on the basis of confessional statement of appellant, namely, Vijay Kumar, dead body of the deceased was recovered.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, namely, Rajeev Kumar and Sanjeev Kumar @ Sandeep Kumar, this Court is inclined to allow Criminal Appeal (SJ) No. 3678 of 2025 and Criminal Appeal (SJ) No. 3697 of 2025 as against appellants, namely, Rajeev Kumar and Sanjeev Kumar @ Sandeep Kumar. Accordingly, the aforesaid appeals are allowed and order dated 23.05.2025 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Sitamarhi is hereby set aside as against the appellants, namely, Rajeev Kumar and Sanjeev Kumar @ Sandeep Kumar.

7. Let the appellants, namely, Rajeev Kumar and



Sanjeev Kumar @ Sandeep Kumar, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sahiyara PS Case No. 56 of 2025.

8. So far as appellant, namely, Vijay Kumar is concerned, considering the fact that on the basis of his confessional statement, dead body of the deceased was recovered, this Court is not inclined to allow the Criminal Appeal (SJ) No. 3906 of 2025 as against appellant, namely, Vijay Kumar. Accordingly, Criminal Appeal (SJ) No. 3906 of 2025 is *dismissed* as against appellant, namely, Vijay Kumar.

9. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

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