

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27202 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- SHAHPUR District- Patna

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DHANANJAY SINGH @ DHANANJAY KUMAR @ DHIRANJAY
KUMAR SON OF LATE KAMESHWAR SINGH R/O VILLAGE-
SHAHPUR, P.S.- SHAHPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Rahul Kumar, Advocate
For the Opposite Party/s	:	Md. Arif, APP
For the Informant	:	Mr. Ghanshyam Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-06-2022 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302,
120(B) and 34 of the Indian Penal Code read with Section 27 of
the Arms Act.

Learned senior counsel for the petitioner submits that
the petitioner has antecedent of two cases and the informant
alleges that on 31.01.2022 his father along with Devendra Rai
had gone out of the house at 1:30 pm but did not return till
night, accordingly it is alleged that on the next day a search was



made but they were not located and hence the informant came back home at 2:00 pm. It is next alleged that thereafter some villagers disclosed that his father's dead body was lying near Daniya Chakwari Aahar and when the informant went to the place of occurrence he saw the dead body of his father lying who was killed on account of gunshot injury further the dead body of Devendra Rai was also lying besides him, it is further alleged that the occurrence took place on account of land dispute and in the occurrence the aunt of the informant, namely, Nilu Devi her daughter Bittu Kumari, Santosh Rai, Abhishek Rai, Manju Rai, Bilendra Sao @ Daharu, Pankaj Rai and Dhananjay were involved. It is further alleged that on 31.01.2022 at 5:00 pm his father and Devendra Rai were accompanying Bilendra Sao and Pankaj Rai on their bike which was disclosed by his uncle and the villagers, it is next alleged that earlier also his aunt Nilu Devi and her daughter Bittu Kumari with a view to grab the land had taken help of Santosh Rai, Manju Rai and broker of land of Sahpur village and taking into confidence, the petitioner had threatened the father of the informant that he will be shot dead as such the informant alleges that the occurrence was committed by the aforesaid accused persons with a view to grab two *bighas* of land.



Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that apart from the name of the petitioner that he was taken into confidence by Nilu Devi and others for threatening the deceased, nothing further is alleged. Learned senior counsel further submits that the informant has falsely implicated the petitioner only for the reason that Nilu Devi had executed a sale deed No. 7649 dated 31.08.2020 in favour of Dhananjay on which Devendra Rai (deceased) was a witness, it is further submitted that admittedly there is a family dispute between the informant and Nilu Devi with regard to land as such the informant and his father were objecting the sale of land in favour of Dhananjay Singh on the ground that the land which has been sold falls in the share of the deceased. It is next submitted by the learned senior counsel that whatever the dispute may be, the dispute was within the family and in the event if the deceased or the informant were aggrieved by the sale of the land in favour of Dhananjay by Nilu Devi then the only remedy the informant or his father had was to get the sale deed cancelled. It is next submitted that the deceased and Devendra Rai were friends and as such both of them had



accompanied each other on the alleged date of occurrence further if there would have been a dispute with respect to the land in question then definitely Devendra would not have been a witness on the sale deed as he was friend of Sanjay Singh (deceased).

Learned senior counsel for the petitioner further submits that during the course of investigation certain accused were arrested and their confessional statements were recorded at paragraph 77 (Satyendra), paragraph 80 (Shyam Kumar), paragraph 83 (Sanjay Rai), paragraph 132 (Amarjeet Kumar), paragraph 131 (Subodh Rai). It is further submitted that from bare perusal of the confessional statements of co-accused it would manifest that Subodh Rai in his confession has stated that the petitioner was to give Rs. 5 lakhs and 2 *kathhas* of land for getting the occurrence committed and he gave advance of Rs. 1 lakh and thereafter the occurrence was committed, it is next submitted that all the other accused persons have nearly stated verbatim what has been stated by Subodh Rai. Learned senior counsel thus submits that even assuming what has been stated by the co-accused in their confessional statement is true, then also as far as giving of money is concerned, then only Rs. 1 lakh is alleged to have been received by Subodh, it is next submitted



that it absolutely does not stand to reason that if Rs. 5 lakhs was fixed for committing the occurrence then how the occurrence was committed when the entire amount was not paid. It is submitted that it appears that the informant in connivance with the police has got the petitioner implicated based on confessional statement which has no evidentiary value in the eyes of law.

Learned counsel for the informant and learned A.P.P. for the State oppose the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that it is a case of double murder and the apprehended accused in their confessional statement have disclosed that it was the petitioner who had planned the occurrence for killing of the deceased as he had purchased land from Nilu Devi which admittedly fell in share of Sanjay Singh.

Learned senior counsel for the petitioner rebuts the submissions of the learned counsel for the informant and submits that since Devendra had already signed on the sale deed executed by Nilu Devi in his favour then there was absolutely no occasion for the petitioner to get Devendra killed, this amply demonstrates that the petitioner has been falsely implicated in the present case.



Considering the submissions made by the learned senior counsel for the petitioner and the fact that there is no eye-witness to the occurrence, the allegation hinges around suspicion and based on confessional statement which has no evidentiary value, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shahpur P.S. Case No. 43 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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