

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26413 of 2025

Arising Out of PS. Case No.-336 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Dhananjay Kumar @ Dhananjay Ray, (Male), aged about 42 years, Son of Vijay Rai, R/o Village - Methwalia, P.S.- Chhapra Muffasil, District - Saran (Bihar).

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Sr. Advocate and Mr. Ghanshyam Tiwary, Advocate
For the Informant	:	Mr. Jeetendra Narayan, Advocate
For the State	:	Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 07-07-2025 Heard learned senior counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 898 of 2024, arising out of Chhapra Muffasil P.S. Case No. 336 of 2024 dated 12.06.2024 registered for the offences punishable under Section 302 read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 12.06.2024 at about 6.45 A.M., when the informant alongwith his nephew Pankaj Kumar were going to Chapra Court and as soon as they reached at the village-Sadha Dudhiya Pool Servicing Centre, and in the meantime, his brother Ram Ayodhya Prasad Yadav, Advocate



and his nephew Sunil Kumar, Advocate who were ahead the informant also going to the court and in that course, the co-accused Vijay Rai, Ravi Shankar Rai, Jagdeepan Rai, Dhananjay Rai (petitioner), Manoj Rai, Jawahir Rai and Pashuram Rai and other unknown persons stopped the motorcycle of Ram Ayodhya Prasad Yadav after surrounding him and Vijay Rai, Dhananjay Rai (petitioner), Manoj Rai, Jawahir Rai having pistols in their hands indiscriminately fired, due to which, Ram Ayodhya Prasad Yadav, Advocate and Sunil Kumar, Advocate sustained severe injuries and thereafter they brought to Sadar Hospital, Chapra where the doctor declared them to be dead.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that during the course of investigation, the Investigating Officer has recorded the statements of several witnesses, namely, Pintu Kumar, Bipin Kumar, Vikash Kumar, Mithilesh Sah, Mahesh Rai, Manoj Singh, Sanjay Rai, Krishna Kumar, Amarjeet Kumar and Sikandar Rai and they have not supported the prosecution case and also not named the petitioner in the alleged offence and they have further stated that six months ago, there was dispute between the petitioner and Pankaj Kumar and Pankaj Kumar



threatened the petitioner to take revenge of the previous dispute but there is no any material collected against the petitioner. The petitioner was not present at the place of occurrence at the relevant point of time of occurrence. The charge sheet has submitted against the co-accused Vijay Rai and Ravi Shankar Rai @ Bolta and the charge sheet submitted against the petitioner and the other co-accused persons as not true but the learned court below differed with the same, took cognizance against the petitioner and other co-accused persons for the offences punishable under Sections 302, 120B read with Section 34 of the I.P.C. and Section 27 of the Arms Act on 12.09.2024. The several witnesses in their statements recorded under Section 161 of the Cr.P.C., have stated that the reason behind the occurrence is that the deceased forcibly acquired 4 Bighas of land by taking advantage of his profession of advocacy of the co-accused Ravi Shankar Kumar and Vijay Kumar who are nephew of the deceased and their father late Sarju Rai tried several times to take possession of the said 4 Bighas of land but he could not succeed and due to the said reason, they with the help of Pankaj, Mithun Rai, Rahul and other unknown persons committed the murder of the deceased. It is further submitted that the co-accused persons, Pankaj Kumar, Ravi Shankar



Kumar and Mithun Kumar in their confessional statement have not named the petitioner. The petitioner has no concern with the alleged offence and with the other co-accused persons. There is no specific allegation of firing on the deceased against the petitioner. It is further submitted that the informant had filed a Cr.W.J.C. No. 1053 of 2025 before this Hon'ble Court and the Hon'ble Court has been pleased to dispose of the said petition and passed the following order:-

“ Heard the learned counsel for the petitioner and the learned counsel for the State.

2. This is an application for issuance of appropriate writ(s), order(s), direction(s) to the respondents for proper investigation of the case and for taking proper steps for arrest of accused persons i.e., respondent 2nd set in connection with Chapra Muffasil P.S. Case No. 336 of 2024 dated 12.06.2024 registered under Sections 302 r/w 34 of the Indian Penal Code, 1860 alongwith Section 27 of the Indian Arms Act, 1959 whereupon None Bailable Warrant (NBW) has already been issued on 23.09.2024 by the competent Court of Law.

3. Pursuant to the order dated 23.06.2025, the Superintendent of Police, Saran at Chapra has joined virtually and assisted this Court. He has submitted that the criminals who were involved in the crime have been finally made accused and some of the persons named in the F.I.R. who are not guilty of committing the offence have been exonerated.

4. In these circumstances, no further order is required and accordingly, the application is disposed of. ”



The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 18.02.2025.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the informant has further submitted that the petitioner is named in the F.I.R. and he alongwith others fired on the deceased, due to which, they died. Learned counsel for the informant has further submitted that in paragraph nos. 9, 10 and 70 of the case diary there are eye witnesses of the alleged occurrence who has stated that the petitioner alongwith other co-accused persons has fired upon the deceased persons. He further submits that in paragraph no. 136 of the case diary which is the confessional statement of the co-accused Ravi Shankar Kumar has stated that due to land dispute, he alongwith others committed murder of the deceased (Ram Ayodhya Prasad Yadav and Sunil Kumar). It is further submitted that the petitioner is the nephew of the co-accused Ravi Shankar Kumar who has made a confessional statement. The doctor has conducted postmortem of the deceased Ram Ayodhya Prasad Yadav and Sunil Kumar and opined cause of death- 'Haemorrhage and Shock. Due to above mentioned injury



(Firearm Injury) (Cause by firearm).”

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sessions Trial No. 898 of 2024, arising out of Chappra Muffasil P.S. Case No. 336 of 2024, pending in the court of learned A.D.J. IIIrd-cum-Special Judge-M.P/M.L.A., Saran at Chapra.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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