

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42879 of 2025

Arising Out of PS. Case No.-228 Year-2024 Thana- SITAMARHI District- Sitamarhi

Rajan Kumar Ray @ Rajan Kumar Yadav, son of Ganga Yadav, Resident of
Village- Vishunpur Kamdev, PS -Suppi, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Thakur, Adv.
For the Opposite Party/s	:	Ms. Madhuri Lata, Adv.
For the Informant	:	Mr. Nishant Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-08-2025 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Sessions Trial No. 152 of 2025 arising out of Sitamarhi P.S. Case No. 228 of 2024 registered for the offence punishable under Sections 364 of the Indian Penal Code and consequently Section 302 and 201 of the Indian Penal Code had been added vide an order dated 04.04.2024.

3. This is the second attempt made on behalf of the petitioner, as earlier the prayer for bail of the petitioner came to be turned down by this Court by order dated 31.01.2025 passed



in Criminal Miscellaneous No. 60380 of 2024, taking into consideration the materials available on record, specially the fact that the petitioner was residing in the house in question at the behest of co-accused Sanjeev Kumar and was all along present during the course of crime in question, resulting into gruesome murder of two sons of the informant, coupled with one criminal antecedent.

4. Mr. Surendra Kishore Thakur, learned Advocate appearing on behalf of the petitioner submitted that though the prayer for bail of the petitioner was negated considering the merit of the case, nonetheless it was rejected for present. He further submits that true it is that the informant and the State has submitted that one of the eye-witness had seen the petitioner assaulting the sons of the informant by means of *danda*, but surprisingly the same informant whose statement had earlier been recorded by the police in paragraph no. 24, he had not even named the petitioner. He further submits that the entire allegation revolves around co-accused Sanjeev Kumar and only on account of the fact that the petitioner had been tenant in the disputed house, he has been made accused and accordingly, the FIR came to be lodged. He lastly contended that now the charges have already been framed, however, till date, not a



single witness has been examined. The petitioner undertakes that he will fully cooperate in the trial, till its conclusion.

5. On the other hand, learned Additional Public Prosecutor for the State with Mr. Nishant Kumar Sinha, learned Advocate for the informant vehemently opposes the bail application and submits that the complicity of the petitioner is writ large for the simple reason that it is he who had been residing in the disputed house for few years, that too on the dictate of co-accused Sanjeev Kumar, and it is he who had informed with regard to the arrival of the sons of the informant, who were later on killed by all the accused persons, including the petitioner. Learned Advocate for the informant next submitted that the informant and his family members are apprehending danger with the other accused person and if the petitioner would be released, they might face serious consequences.

6. Regard being had to the submissions made on behalf of the parties and considering the submissions set forth by learned Advocate for the parties and taking note of the materials collected against the petitioner, as also the fact that the charges have already been framed and the undertaking of the petitioner before this Court that he would fully cooperate in the



trial, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge- XIII, Sitamarhi in connection with Sessions Trial No. 152 of 2025 arising out of Sitamarhi P.S. Case No. 228 of 2024, subject to the condition that if the petitioner shall indulge in intimidating the witnesses or the informant, the prosecution shall be at liberty to file appropriate application for cancellation of his bail and also with a condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(iv) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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