

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55699 of 2024

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

Dr. Ajay @ Ajay Kumar Singh son of Late Aash Narayan Singh R/o- W.No-21, New W.No-13, Narayana Multispeciality Hospital Mela Road Bhawadepur Ps Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur with Ms. Vaishnavi Singh, Advocates
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Amit Srivastava, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 31-01-2025 Heard Mr. Ajay Kumar Thakur, learned Advocate for the petitioner and Mr. Amit Kumar Srivastava, learned Senior Advocate for the informant. The State is represented through the learned Additional Public Prosecutor.

2. The petitioner apprehends his arrest in connection with Sitamarhi P.S. Case No. 228 of 2024, registered for the offences punishable under Section 364 of the Indian Penal Code. However, later on Sections 302/201 of the Indian Penal Code were also added.

3. Based upon the written report, the informant alleges that on 01.04.2024 her husband and elder son had gone to Patna for some work, in the meanwhile, her two younger sons, Ashish



along with Akash told her that the accused Sanjeev, Suraj and few men of Dr. Ajay Kumar called them to talk. For the said purpose, they reached at Ghora Sahan station. However, they were further informed that now both of them were called at Sitamarhi whereupon they reached Sitamarhi and made video calls and told the informant and other siblings that they are in their house. The first vide call was made at 2:55 hours and second video call was made at 3:05 hours on the mobile of her daughter and elder son respectively. Repeated calls were made through different mobiles. The sons of the informant further sent the photographs of illegal trespassers and the child who were residing in the house without any agreement and rent. It is further alleged that in the meantime the police was also called by the accused persons by making allegation that both the sons have illegally trespassed in the house, whereupon the police arrived there and pacified the matter and returned by saying that they are brothers and thus they should be allowed to stay in the house. After some time, while the sons of the informant were in the house in question, all the accused persons named in the FIR along with the petitioner came there and locked the gate of the said house. The mobile phone of the sons of the informant were found switched off. Suspecting the foul play, information was



given to the local police station. It has further been alleged that from the reliable sources, the informant came to know that the co-accused Sanjeev came on a black Tata Hummer vehicle with other named accused persons and some unknown persons on motorcycle. They took away both the sons of the informant after brutally assaulting them on the said vehicle. The informant raised suspicion of kidnapping and causing harm to her sons. Soon after the institution of the FIR, dead body of both the boys were recovered and sent to post mortem.

4. Learned Advocate for the petitioner primarily contended that the petitioner is a qualified MBBS, MS (Orthopaedic) Doctor and his wife is a Gynecologist and both are doing practice at Sitamarhi. The husband of the informant has executed an Agreement to Sale in favour of the wife of the petitioner, namely, Dr. Sneha Singh with respect to a plot. Despite receiving the full consideration amount, the husband of the informant refused to execute the sale deed and thus the wife of the petitioner filed a title suit for Specific Performance of Contract bearing Title Suit No. 317/2022. The house in question where the sons of the informant had come on the date of occurrence was either in the possession of co-accused Sanjeev, who is said to be nephew of the informant or in possession of



some other person but the petitioner has nothing to do with the said house. The informant is not an eye witness to the alleged occurrence and at no point of time in the video recording or the photographs sent by her sons it transpired that the petitioner had ever been present at the place of occurrence.

5. There is complete denial of the complicity of the petitioner in the crime in question and to establish the truth, the father-in-law of the petitioner has filed detailed representation before the Superintendent of Police, Sitamarhi with a request to verify the true picture of the case from CCTV footage as well as from the mobile of the petitioner or its tower location. The said representation has also been placed on record as Annexure-P/4. It is the contention of the petitioner that though the petitioner has been made accused in connection with two cases as has been disclosed in paragraph-3 of the bail application, however out of which in Sitamarhi P.S. Case No. 368 of 2022 the police has submitted final report showing the petitioner as innocent which was duly accepted by the learned jurisdictional court. The second case is arising out of a financial transaction. Learned Advocate for the petitioner further contended that even if the allegation is taken to be true for the sake of argument it is only alleged that the petitioner was one of the person, who was



present there while other accused persons were putting lock in the house. There is no allegation of any overt act against the petitioner. Taking note of all these facts, the investigation against the petitioner is kept pending and the case has not been found true against him till date. The petitioner undertakes before this Court that he will fully cooperate in the investigation or proceeding of the court and ensure his physical presence, if need be.

6. On the other hand, learned Senior Advocate for the informant and the learned Advocate for the State oppose the bail application and submit that the petitioner has actively participated in the crime. The deceased sons of the informant had disclosed that it is the co-accused Sanjeev, Suraj the men of Dr. Ajay Kumar who had called them to Ghorasahan station and later on Sitamarhi where they were done to death. The petitioner along with others have captured the land and it has come during the course of investigation that they have put a goon in the house illegally. Several complaints have also been made by the husband of the informant wherein the name of the petitioner has also been shown to be one of the main culprit. Learned Senior Advocate for the informant and the learned Advocate for the State have further taken this Court to the case diary as well as



the supplementary case diary and submitted that the witnesses namely, Raju Kumar, Binod Kumar, Ramkaran Das, Sangeeta Devi and Simran Kumari have supported the prosecution case and specifically stated about the complicity of the petitioner and his presence at the occurrence from where both sons of the informant were taken on the vehicle of Sanjeev Kumar and brutally done to death.

7. Having regard to the submissions advanced on behalf of the respective parties and taking note of the materials available on record, especially the fact that the informant is not an eye witness to the alleged occurrence and even if the allegation levelled against the petitioner is taken to be true he is said to be one of the person, who was present there when other accused persons were locking the gate of the house; there is no further material suggesting the complicity of the petitioner, such as his call details with other accused persons and specific participation; the statement of aforementioned witnesses are recorded at much belated stage on 01.12.2024; moreover the investigation with regard to the petitioner is still going on, coupled with the fact that the petitioner is a practising doctor and in support of his innocence, he has produced all the CCTV footage of the date and time of incident, which are yet to be



verified, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.50,000/- (fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 228 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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