

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60380 of 2024

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, P.S. - Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Amit Shrivastava, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 31-01-2025 Heard Mr. Anil Kumar, learned Advocate for the
petitioner and Mr. Amit Shrivastava, learned Senior Advocate
for the informant as well as learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
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 vide order dated 04.04.2024.

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 video 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 Harrier 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. Referring to the F.I.R., learned Advocate for the petitioner contended that the entire allegation revolves around co-accused Sanjeev Kumar, his wife and daughter as well as Suraj and Dr. Ajay Kumar. There is no whisper about any overt act against the petitioner nor he has been made accused in this case. The name of the petitioner has been dragged by the police only on the premise of he being a tenant under the house, in question, where the occurrence took place. In fact, there is an inimical relation with the accused persons and the family of the informant; due to ongoing dispute between them with respect to the sale and purchase of certain land at Sitamarhi. Both sides have lodged criminal cases against each other, apart from title suits are also pending between the parties. The petitioner was not even knowing this fact that the house, in question, does not belong to co-accused Sanjeev and since he was doing a private job at Sitamarhi, he took two rooms of the house on rent and started living with his family members. In support of the aforesaid fact, specific averment has also been made with regard



to execution of a rent agreement with Sanjeev @ Sanjeev Kumar and paid advance of Rs.2,00,000/-(two lakh) through cheque no. 010348 of Axis Bank; the rent is also fixed at the rate of Rs.6,000/- per month. The F.I.R. clearly spells specific allegation against the named co-accused persons. The deceased sons of the informant have never told to the informant that any untoward act has been done by this petitioner while sending the photographs of the petitioner and his family members to the informant and the sister. During the course of investigation, the only material which has come against the petitioner is that he was present at the place of occurrence, while locking the gate of the house, in question; the presence of the petitioner at the house was quite normal, as he was the renter there. Now the petitioner has been incarcerated since 16.05.2024 and the investigation of the crime is complete.

5. On the other hand, learned Senior Advocate representing the informant as well as learned APP for the State has vehemently opposed the bail application and submitted that the house of the informant was captured, her assets were stolen and she was forced to leave her house with her family at the hands of the accused persons. Later on, all the accused persons have put the petitioner in the said captured house, who is one of the goons of the main accused Sanjeev and Suraj and it is he,



who informed them about the arrival of the sons of the informant and participated actively in torture and assaulting the two sons of the informant. The eye witnesses have stated that the petitioner was seen assaulting the sons of the informant by means of Danda. Referring to the statement of the witnesses as well as supervision note, learned Senior Advocate for the informant as well as learned APP submitted that the petitioner has actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the fact that the petitioner was residing in the said house at the behest of the 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, this Court is not acceded to the prayer of the petitioner.

7. Accordingly, the prayer for grant of bail stands rejected for the present.

(Harish Kumar, J)

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