

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80234 of 2024

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

Sanjeev Kumar @ Sanjeev Son of Late Kashi Prasad Resident of Mela Road,
Ward no 13, PS- Sitamarhi, District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Amit Shrivastava, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2025 Heard Mr. Ashhar Mustafa, 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. 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 they were called at Sitamarhi, whereupon they reached Sitamarhi and made a video call and told the informant that they are in their house. The sons of the informant also made repeated Video and Audio call and also sent 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. The police arrived there and pacified the matter and returned by saying that they are also 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 co-accused Sanjeev along with other criminals, who had come on various motorcycles forcibly dragged both the sons of the informant from their house and taken away on a black Tata Harrier vehicle



after brutally assaulting them. The informant raised suspicion of kidnapping and causing harm to her sons.

It is further to be noted that after registration of the F.I.R., the police visited the house, in question, which was locked from outside and in the meanwhile it was informed by other police officials that the dead body of both the sons of the informant were found and sent for post-mortem examination.

4. Learned Advocate for the petitioner primarily contended that the petitioner and his entire family members, including the wife and daughter, have been maliciously implicated in the present case on account of an ongoing dispute. The husband of the informant had executed an agreement for sale of his house in favour of the petitioner in the year 2020 and despite receiving around Rs.45,00,000/- (Forty five lakh) from the petitioner, the husband of the informant left with family from Sitamarhi and did not execute sale deed nor return the money, which led to filing of civil suit, bearing Title Suit no. 190 of 2023 for recovery of money. The copy of the plaint of Title Suit has been placed on record as Annexure-P/3. It is further contended that when the petitioner was trying hard to some how recover his lost money, the husband of the informant conspired and executed a murderous attack leading to institution



of Sitamarhi P.S. Case No. 602 of 2021 against unknown persons. However during the investigation in the said case, the complicity of the husband of the informant transpired and he was apprehended and sent behind the custody.

5. Referring to the F.I.R., learned Advocate for the petitioner further contended that admittedly the informant is not an eye witness to the alleged occurrence and even if the allegation levelled in the F.I.R. is accepted for a while that is only to the extent that the petitioner along with others were the persons, who locked the door of the house from outside and thereafter went to their home. The witness, namely, Raju Kumar, who has later on disclosed about the complicity of the petitioner in kidnapping and causing death of the deceased in para. 172 of the case diary, his statement had earlier recorded in para. 24 and 25 of the case diary on the date of registration of the F.I.R. itself. However, he did not see any one either kidnapping or taking away the deceased boys. The material against the petitioner is nothing, except his own confession and the confession of co-accused Rajan Kumar Rai. There is no recovery of any incriminating material suggesting his complicity. It is lastly contended that considering the aforesaid facts and circumstances, the wife and daughter of the petitioner have



already extended the privilege of bail. The petitioner is in custody since 26.04.2024

6. On the other hand, learned Senior Advocate for the informant as well as learned APP for the State vehemently oppose the bail application and contended that the informant and her family members were permanent resident of Sitamarhi Town, however, on account of atrocities to the extent of capturing the house of the informant, looting of her articles and murderous attack on her husband, all the family members left Sitamarhi and started residing in the district of East Champaran. On various occasions, the informant and her husband have informed the local police and all the higher police officials regarding mischief of the petitioner and others. The petitioner is said to be the main accused, who was found involved in assaulting the sons of the informant and their kidnapping and later on causing death in brutal manner. The F.I.R. clearly suggest that it is the petitioner, who along with others had called the two sons of the informant and later on, they were done to death. During the course of investigation, statements of Raju Kumar, Vinod Kumar, Ram Karan Das and Sangeeta Devi were recorded, who have specifically named the petitioner that he along with others were dragging the sons of the informant, who



were completely injured and in unconscious manner, and took them in the black Harrier car. Later on, the dead body of the sons of the informant were recovered. During the course of investigation, the call details of the petitioner also suggest that he was in active touch with co-accused Suraj Kumar and other accused persons, who have committed the crime, apart from the confession of the petitioner, admitting his complicity. Moreover, the petitioner is also accused in five other criminal cases.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation and the statement of the witnesses recorded during the course of investigation, who have supported the prosecution case disclosing the active participation of the petitioner in the murderous attack of the two sons of the informant, their kidnapping and causing death, coupled with the criminal antecedent of the petitioner, this Court is not acceded to the prayer of the petitioner.

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

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

