

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65688 of 2025

Arising Out of PS. Case No.-89 Year-2025 Thana- Mehsoul District- Sitamarhi

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Dhananjay Kumar Son of Late Kailash Ray Resident of Village -Ward 08,
Ramnagara, PO- Sirauli, PS -Riga, Distt -Sitamarhi

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Ansul, Sr. Adv Mr.Surya Narayan Kumar, Adv Mr. Vivek Kumar, Adv
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, APP Mr. Ashhar Mustafa, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 16-01-2026 1. Heard learned senior counsel for the petitioner, Sri Ansul; learned APP, Sri Chandra Bhushan Prasad and learned counsel appearing on behalf of the informant, Mr. Ashhar Mustafa.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126, 115(2), 103(1), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita and Section 25(1-b)a, 26, 27 and 35 of Arms Act.
3. The counter-affidavit filed on behalf of the informant is taken on record.
4. Learned senior counsel for the petitioner submits that petitioner has antecedent of two cases and both the cases



were instituted from the side of the informant. It is next submitted that petitioner is a government servant and is posted as District Treasury Officer, East Champaran, Motihari. It is further submitted that the informant alleges that his elder son, Basim Anwar Khan @ Puttu had come to his house and was looking perturbed, accordingly the informant asked his son why he is looking perturbed, on which he disclosed that Asgar Hussain, Md. Nasir Ahmad, Devendra Shah, Dhananjay Kumar (petitioner), Azizur Rahman and Vimlesh Kumar Jha had met in the shop of Ejaj Shah for the purposes of getting him killed and have also given money to the shooters and the shooters can kill him any time. It is further alleged that his son also disclosed that he had recorded the aforesaid fact in his mobile, further his son also disclosed that Lal's brother Md. Islam is also involved in the conspiracy and the aforesaid accused persons can get him killed any time, on which informant asked his son that why he did not disclose the said fact to the police, on which his son said that in the morning he will accompany the informant to the police station for giving information to the police about the conspiracy. It is next alleged that thereafter his son left for his house and when he reached near his house the informant heard sound of firing, accordingly he came out and saw that his son



was shot and his family members Sahin Anwar Khan and Sahil Parwez disclosed that they have seen the three shooters who committed the occurrence, but they did not know their name but can identify by their face.

5. Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion. It is further submitted that in the FIR altogether 8 accused are named, but then during the course of investigation no material transpired even remotely connecting any of the accused persons except the petitioner, but then the petitioner also came to be implicated in a peculiar manner. It is submitted that initially Vikram @ Vicky was arrested, whose statement was recorded by the police and he disclosed that the occurrence was committed by Rakesh, Satyam and Ranjay; and Rakesh was paid contract money for getting the occurrence committed. It is next submitted that though Vikram initially when his statement was recorded, disclosed how the occurrence was committed, but then he did not take the name of the petitioner, but subsequently the police filed an application before the learned trial court alleging that Vikram is not



cooperating in the investigation and thus his remand is required and thereafter Vikram was taken on remand when he disclosed that petitioner was close to Rakesh and they used to speak to each other and they can only disclose the amount of contract money. It is further submitted that Vikram even in his custodial interrogation did not allege that contract money was given by the petitioner for getting the occurrence committed. It is further submitted that petitioner came to be implicated based on the interrogation made by the police after seeking remand of Vikram though Vikram initially had not alleged anything against the petitioner. It is next submitted that though statement of Vikram was recorded two months after the occurrence, but then police without any material transpiring during the course of investigation connecting the petitioner with the offence, had already sought process under Section 82 Cr.P.C against the petitioner. The said process under Section 82 Cr.P.C was sought within 6 days of the occurrence, which amply demonstrates that the police was in haste. It is also submitted that since process under section 82 Cr.P.C was already sought by the police, as such police in order to justify implication of the petitioner got Vikram on remand and made him confess, as recorded hereinabove. It is also submitted that during course of



investigation, it also transpired that Vikram had taken a house nearby to the residence of the deceased and in the said house, Rakesh, Ranjay and Satyam used to come, but then Vikram in his confessional statement does not disclose this fact that petitioner used to visit the said residence. It is next submitted that statement of caretakers of the room which was given to Vikram on rent, was recorded under section 183 BNSS and the caretaker Dhanraj and Chaman in their statement recorded under Section 183 BNSS have stated that Rakesh, Ranjay and Satyam used to visit Vikram and the persons who use to come, use to address each other by name and he heard one name Dhananjay also. It is next submitted that statement of Ranjay and Satyam was also recorded by the police under Section 180 BNSS, as would manifest from para-440 of the case diary. It is submitted that from perusal of the statement of Ranjay and Satyam, it would manifest that they have also not disclosed that the occurrence was committed at the behest of the petitioner though they have stated that whenever any dispute arose in between petitioner and other person in that event the petitioner used to call them for help and they also stated that Rakesh used to meet the petitioner. It is further submitted that statement of father of Vikram namely Rajan was also recorded under section 180



BNSS, wherein he for the first time disclosed that petitioner had given contract to Rakesh money for getting the occurrence committed of killing the son of the informant.

6. The learned senior counsel for the petitioner further submits that it was after Vikram disclosed that contract money for getting the occurrence committed was paid after he was taken on remand, it was thereafter that confession of his father Rajan was recorded, who disclosed that contract money was given by the petitioner. It is also submitted that material which transpired during the course of investigation does not connect the petitioner with the offence except for confession of Rajan. It is next submitted no doubt two cases were instituted against the petitioner also earlier by the side of the informant but then police after investigation found both the cases to be false and thus submitted closure report. It is further submitted that petitioner had purchased a piece of land adjacent to the house of the deceased and some dispute had arisen in between the two but then that in itself cannot be a justification for the petitioner for getting occurrence of murder committed knowing very well that what consequences would entail in the event if he is implicated in a case of murder. It is next submitted that though in the FIR it is alleged that son of the informant had recorded a



message in his mobile alleging suspicion against the named accused persons of committing his murder, but then when the police asked for the mobile from the informant, the same was not handed over to the police. It is further submitted that even a sanha was instituted by wife of the deceased in the police station stating therein that the mobile is lost, but then a message of the deceased in a pen drive was handed over to the police, which the informant claims to be recorded from the recorded message of the deceased in his mobile, but then the mobile, i.e., primary evidence was never provided to the police for reasons best known to the informant, as such primary evidence was missing. It is also submitted that if the recorded message of the deceased was transferred in a pen drive and handed over to the police, then why the said mobile was not handed over to the police which could have facilitated the investigation. It is asserted and submitted that petitioner being a government servant will not abscond and the manner in which police obtained process under section 82 Cr.P.C, amply demonstrates that police was in a hurry to close the case and in mechanical manner the learned trial court also issued process under section 82 Cr.P.C, as recorded hereinabove, when the purpose of process under Section 82 Cr.P.C is to ensure appearance of the accused before the court



and not before the police. It is next submitted that the station house officer, Mehsoul PS and the Investigating Officer of the case in compliance of the order dated 28-11-2025 were present in the Court on 5-12-2025 and had disclosed that no technical investigation has been conducted to connect the petitioner with the offence.

7. Learned senior counsel for the petitioner submits that as far as technical investigation is concerned, the CDR of the petitioner was investigated by the police, as would manifest from the case diary, but then no material transpired connecting him with the offence. It is reiterated and submitted that petitioner being government servant is aware of the consequences which would entail in the event if he absconds or does not cooperate with the police in the investigation. It is also submitted that petitioner will not abscond rather will cooperate in the investigation.

8. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submission made by the learned senior counsel for the petitioner with regard to confessional statement of Vikram, Ranjay and Satyam, but then the learned counsel appearing on



behalf of the informant submits that statement of caretaker Dhanraj and Chaman was recorded under Section 183 BNSS wherein they have taken the name of the petitioner, on which the learned senior counsel for the petitioner submits that if the statement of Dhanraj and Chaman is read in its context, it would manifest that they have stated that they overheard the person coming to the place addressing each other by their name and one name they took was of Dhananjay, but then the said statement by itself would not be a justification for sending the petitioner to judicial custody.

9. Learned counsel for the informant further submits that since during the course of investigation it has come that this petitioner had given contract money to Rakesh for getting the occurrence committed as such his custodial interrogation is required and seizure of his mobile is also necessary.

10. The said submission of the learned counsel appearing on behalf of the informant is vehemently rebutted by the learned senior counsel appearing on behalf of the petitioner. It is next submitted that petitioner is a government servant and the manner in which his name has transpired has already been recorded hereinabove. It is reiterated and submitted that police within six days of the occurrence got the process under Section



82 Cr.P.C issued against the petitioner, thereafter Vikram disclosed that petitioner was close to Rakesh and they used to speak to each other but then had not disclosed that petitioner had given contract money to Rakesh, but subsequently police arrested the father of Vikram, namely, Rajan as recorded hereinabove, who disclosed that contract money was given by the petitioner to Rakesh, but then it is submitted that it absolutely does not stand to reason that if money was given by the petitioner to Rakesh for getting the occurrence committed why the said fact was not disclosed by Vikram, but by his father which amply demonstrates that police somehow tried to connect the petitioner with the offence.

11. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mehsaul P.S. Case No. 89 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

12. However, it is made clear that in the event, if the



Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

13. It is further made clear that in the event if charge-sheet is submitted and the learned trial court comes to a conclusion that petitioner is not cooperating in framing of charge or after framing of charge is trying to delay the trial in any manner, in both the conditions the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

14. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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