

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.201 of 2023

Arising Out of PS. Case No.-474 Year-2022 Thana- SIKARPUR District- West Champaran

SANOJ KUMAR SHARMA Son of Paras Thakur Resident of Village-
Banwaria, P.S.- Sikarpur, District- West Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Champaran Range, Bettiah, West Champaran, Bihar
4. The Superintendent of Police, West Champaran at Bettiah, Bihar
5. The Officer-in-charge, Sikarpur Police Station, Sikarpur, District- West Chamaran, Bihar
6. The Investigating Officer, Sikarpur Police Station Case No.-474/2022, Sikarpur District- West Champaran, Bihar

... .. Respondents

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Respondents : Mr. P.K. Shahi, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 14-03-2023 Heard learned counsel for the petitioner and learned
counsel appearing for the respondents-state.

The present writ application has been filed for the
following reliefs:

*A. For issuance of a writ in the nature of
habeas corpus or any other appropriate
writ, order/s, directing the concerned*



respondents to take immediate steps for recovery of the victim of Sikarpur P.S. Case No. 474 of 2022 registered u/ss 365/120(B) I.P.C.

B. For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, direction commanding the respondents for the following:-

(I) To hold that the respondents are under an obligation to take immediate steps for recovery of the victim.

(II) To hold that the captivity of the victim at the instance of the accused persons of the present case is illegal and contrary to law.

(III) To take immediate step/s for recovery of the victim.

(IV.) To conclude the investigation of the present case expeditiously and to apprehend the culprits without any delay.

It has been pointed out that in respect of missing of a corpus, an FIR was instituted being Sikarpur P.S. Case No. 474 of 2022 for an offence under sections-365/120B of the Indian Penal Code, 1860 (hereinafter 'IPC').

A counter affidavit has been filed on behalf of respondent No. 4 (Superintendent of Police, West Champaran at Bettiah). Following statement has been made in paragraph-13



of the counter affidavit:

13. That it is also most humbly submitted that during the course of investigation, the F.I.R.-named accused person namely Lal babu Kumar has been taken to the Shikarpur Police Station where he has confessed his guilt in the commission of the murder of the victim. His confessional statement has been recorded through Mobile Phone and as per consent, his confessional statement has been recorded and the same has been typed by using computer. In his confessional statement, the F.I.R.-named accused person namely Lalbabu Kumar has stated that he came in contact with Akshya Lal Prasad @ Saheb Sah and thereafter he told him to call the son of Paras Thakur namely Manoj Sharma (victim) as he is indulged in betting by using GIGA Sports Cricket application. He further directed to include another boy who will help him in killing the victim and after killing him, they will withdraw/transfer all the money and with that money the accused Lalbabu Kumar will pay the expenses of the Matriculation and Intermediate examination and thereafter by using



Mobile No. 9608437487, which is in the name of son-in-law of his Mausi (Mother's sister) namely Vinod Kumar Kushwaha, Lalbabu Kumar called on the Mobile No. 6205203448 of the victim and told him that he is interested in betting and on that, the victim has told him to come on 06/06/2022 at 11-12 Hours at Bhawanipur Check Post under Sahodara Police Station and after that Lalbabu Kumar shared about the planning of murder of victim with his villager Akhilesh Kumar and thereafter they started waiting for the victim by reaching at Bhawanipur Check Post and in the meanwhile, the victim and Saheb Sah reached. Thereafter Lalbabu Kumar sat on the Motorcycle of the victim and Akhilesh Kumar sat on the Motorcycle of Saheb Sah and they left from Bhawanipur Check Post for Thori. Thereafter about 2 K.M., Saheb Sah stopped the Motorcycle on the pretext for urinating and kept the Gamchha (Towel) in the neck of the victim and Lalbabu Kumar has also helped him in pressing the neck with the help of Gamchha (Towel) and Akhilesh Kumar grabbed the victim very tightly from the back and thereafter the victim died and then Saheb



*Sah kept the Mobile Phone of the victim
in his pocket and left his Motorcycle
there and thereafter they left from the
forest”.*

Considering the statement made in paragraph-13 of
the counter affidavit, counsel for the petitioner does not want to
press the present criminal writ application.

Accordingly, the present criminal writ application
stands disposed of as not pressed.

(Sudhir Singh, J)

(Chandra Prakash Singh, J)

A.K.V.//-

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