

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44690 of 2024

Arising Out of PS. Case No.-297 Year-2023 Thana- AMNAUR District- Saran

Santosh Ram @ Santosh Kumar @ Musha @ Musa SON OF Bhola Ram
VILLAGE- BASANTPUR BANGALA, PS- AMNAUR, DIST- SARAN
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 47545 of 2024

Arising Out of PS. Case No.-297 Year-2023 Thana- AMNAUR District- Saran

Sanjeet Kumar Rai S/o Gorakh Rai R/o vill - Mahesh Chapra, P.S. - Maker,
Dist. - Saran at Chapra
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 53550 of 2024

Arising Out of PS. Case No.-297 Year-2023 Thana- AMNAUR District- Saran

Mithilesh Kumar @ Akal Rai Son of Ramnath Ray R/O Vill.- Pahleza
Shahpur Diyara, P.s.- Amnaur, Dist.- Saran.
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44690 of 2024)
For the Petitioner/s : Mr. Basant Kumar Singh, Advocate
Mr. Vishesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 47545 of 2024)
For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 53550 of 2024)
For the Petitioner/s : Mr. Yogesh Chandra Verma, Advocate
Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 11-12-2024 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel in Cr. Misc. No. 53550 of 2024, Mr. Vishesh Kumar



Singh in Cr. Misc No. 44690 of 2024 and Dewendra Narayan Singh in Cr. Misc. No. 47545 of 2024 as also Mr. Jitendra Kumar Singh and Mr. Bharat Bhushan beside Ashok Kumar Singh, learned APPs.

2. The petitioners are in custody in connection with Amnaur P.S. Case No. 297 of 2023 for the offence punishable under Sections 393, 307, 302 and 120(B) of the Indian Penal Code and 27 of the Arms Act lodged on 29.11.2023 by the informant, Kamlesh Rai.

3. As per the prosecution story, the informant alleged that while returning from his in-laws village on a motorcycle, he was chased by a Honda Shine motorcycle and as he tried to save himself/motorcycle, they opened fire causing injury in his chest. They later escaped with his motorcycle which led to the FIR. The informant subsequently succumbed to the injury and as such, beside the other sections of the IPC, 302/120(B) of the IPC was added later on.

4. Learned Senior counsel for the petitioners submit that the informant now is no more and as such, no light can be thrown on actually who committed the robbery/murder. His further submission is that the Police in course of another case of snatching of motorcycle, arrested one Sanjeet Kumar Rai and on his confession, implication of these petitioners beside Prabhat



Kumar Rai came to light which has no meaning being stated before the Police. Further, they have remained in custody for more than a year warranting their release from jail.

5. Learned APPs have jointly submitted that a perusal of the confessional statement of Sanjeet Kumar Rai and Mithilesh Kumar Rai would show that they can be put in the category of dreaded criminals inasmuch as they indulged themselves in the business of liquor/ganja and subsequently forming a group of four, started looting the motorcycle. The sequence is that on one day, they looted a motorcycle, on the second day during the loot, they killed a person and without any remorse, they continued their activity on the third day also, in which, one of the petitioner Sanjeet Rai after losing balance of the motorcycle was thrown out on the ground and apprehended by the locals which followed the arrest by the Police.

6. It is their further joint submission that though the statement before the Police may not have any meaning, the fact remains that pursuant to the said statement, the motorcycle used in the incident has been recovered/seized. It has been found to be stolen one and it is not the case of any of the petitioners that they own the said motorcycle.

7. Having gone through the facts of the case and the materials on record, as also the submissions put forwarded by the



parties, this Court has no option but to accept the submissions made by the learned APPs. All the petitioners have criminal antecedent, they repeatedly indulged in criminal activities including repeated looting of the motorcycles and in the process, opened fire causing death of an innocent person affecting his family. Their criminal behavior/mindset can be adjudged from the fact that as per the allegation, without even thinking twice, they opened fire directly on the body of an innocent person, left him seriously injured on the road, he finally died, continued with the snatching of the motorcycle in which, to their misfortune and probably due to the power of God, one of them was apprehended who spilled the beans leading to the arrest of the accused/recovery of motorcycle.

8. In that background, it would be appropriate that all three of them faces trial. The present bail applications stand rejected.

9. As per the confessional statements of the accused, it was Prabhat Rai who opened fire causing the death of an innocent during the vehicle loot. It seems, the Police after submission of the charge-sheet against the arrest accused persons have stopped taking further steps in the matter. As a result, the main accused and the leader of the gang, Prabhat Rai is still at large.



10. In that circumstance, it is essential that a report comes from the Office of the Superintendent of Police, Saran at Chapra on the steps Police has taken and further why Prabhat Rai could not be arrested despite his involvement came to light on 01.12.2023.

11. The report to be sent through Mr. Jitendra Kumar Singh, learned APP by the Office of S.P. Saran at Chapra and the matter be posted on 31.01.2025 under the heading 'To be Mentioned' for perusal of the report.

12. Let a copy of the order be communicated to the Office of the S.P., Saran at Chapra.

(Rajiv Roy, J)

Adnan/-

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