

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.511 of 2025

Arising Out of PS. Case No.-81 Year-1997 Thana- SAHAR District- Bhojpur

Ras Bihari Ray, S/o- Late Dudheshwar Ray, Resident of Village- Baruhi
Police Station- Sahar, Dist- Bhojpur

... .. Petitioner

versus

1. The State of Bihar through the Director General of Police, Sardar Patel Bhawan Bailey Road, Patna Bihar
2. The Inspector General of Police, Sardar Patel Bhawal, Patna
3. The Deputy Inspector General of Police, Dehri on Sone, rohtas Bihar
4. The Superintendent of Police, Arrah, Bhojpur
5. The District Magistrate, Bhojpur, Bihar
6. The District Cooperative Officer, Bhojpur, Bihar
7. The Block Development Officer, Dahar Bhojpur, Bihar
8. The Officer in Charge of Police station Sahar, Bhojpur Bihar
9. Gupteshwar Ray @ Mangru Ray S/o- Late Dudheshwar Ray Village- Baruhi Ps- Sahar Dist- Bhojpur

... .. Respondents

Appearance :

For the Petitioner	:	None
For the Respondents	:	S.C.-9

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-05-2025 Heard learned counsel for the State.

2. None appears for the petitioner when the case is called though the case was fixed for today at the instance of learned counsel for the petitioner and the S.H.O. of Sahar Police Station was called to assist this Court.

3. This application has been filed for a direction upon the respondents to arrest the absconding accused namely,



Mangru Ray @ Gupteshwar Ray (respondent no.9), who is an accused in Sahar P.S. Case No. 81 of 1997 and also enquire into the matter by senior officers.

4. Learned counsel for the State has produced a copy of the order dated 20.03.2023 passed in Cr.W.J.C. No.273 of 2020, which reads as under:-

“Heard learned counsel for the petitioner and the State.

The petitioner seeks a direction commanding the respondents to constitute a high level investigation team with SIT (Special Investigation Team) for arrest of respondent no. 12 in respect of Sahar P.S. Case No. 81 of 1997 lodged under Sections 147, 148, 149, 302 and 307 of the Indian Penal Code, 27 of the Arms Act read with sections 3, 5, 10 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Counsel for the petitioner submits that from the first information report it transpires that this is a case of 1997 and till date respondent no.12 is moving free. No action has been taken against him by the police and respondent no.12 is best known to the police authorities.

Counsel for the State submits that charge sheet has already been filed in this case and the trial is commenced.

Counsel for the petitioner submits that it is true that charge sheet has been filed and trial



has commenced but showing the respondent no. 12 absconding and his case is specifically for this relief.

Counsel for the State submits that this case may be disposed of in the light of the order passed in Cr.W.J.C. No. 153 of 2017 (Surendra Singh Vrs. State of Bihar & Ors.) and analogous cases decided on 09.09.2022.

In this background, this criminal writ petition is disposed off with a direction to the petitioner to file representation before the Superintendent of Police, Bhojpur at Ara, in the light of the order passed in Cr.W.J.C. No. 153 of 2017 (Surendra Singh Vrs. State of Bihar & Ors.) and analogous cases decided on 09.09.2022 within four weeks from today and the Superintendent of Police shall consider the representation and take appropriate action.”

5. It has been submitted by learned counsel for the State that in the present application there is no mention about the Cr.W.J.C. No.273 of 2020 and its disposal. Therefore, the petitioner has suppressed the material fact that for the same relief the petitioner had filed a criminal writ application which had been decided on 20.03.2023.

6. In these circumstances, I am of the view that such litigation should not be entertained. Therefore, this application is dismissed with a cost of Rs.50,000/-, which shall be paid by the petitioner in the Patna High Court Legal Services



Committee within eight weeks from today. If the petitioner does not comply the order, the State is given liberty to file a contempt application against the petitioner.

(Sandeep Kumar, J)

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