

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73488 of 2025

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

Mithilesh Kumar @ Akal Rai S/o Ramnath Ray R/o Village- Pahleza Shahpur
Diyara, P.S.- Amnaur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 06-02-2026 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner and Mr. Abhay Kumar, learned APP representing the

State.

2. The petitioner is in custody in connection with
Amnour P.S. Case No. 297 of 2023 for the offence punishable
under sections 393, 307 and 302 of the Indian Penal Code and
later on added section 120(B) of the Indian Penal Code and
section 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 F.I.R..



4. Learned counsel for the petitioner submits that he has already remained in custody for two years and the trial conclusion is not in sight. In that background, the petitioner deserve bail.

5. Learned APP has taken this Court to the case diary which is available on record to show that though the narration is before the Police, it shows that how the petitioner with the help of other accused persons including Sanjit Kumar Rai started with small criminal act but later made plan to loot the motorcycles moving on the road and in the process, opened fire which hit the informant who subsequently succumbed to the injuries. The worst part is that they even after opening fire did not stop and on the very next day, wanted to loot another motorcycle in which one of the accused was also injured and they have to leave the place.

6. Learned counsel for the petitioner submits that even going by the confessional statement, the allegation of opening fire is on Prabhat Rai and not on this petitioner.

7. Learned APP submits that the aforesaid act of the petitioner indulging in criminal activity everyday clearly speaks his criminal intent. The further submission is that the summons have already been issued and it is likely that the trial will be



concluded.

8. Considering the submissions of the parties as also going through the criminal records of the petitioner as recorded in paragraph no.3, this Court for the present is not inclined to extend the privilege of bail to the petitioner which is accordingly rejected.

9. The Trial Court is directed to ensure that the trial is concluded in next nine months failing which a report be submitted on the reason for non-conclusion of the trial.

(Rajiv Roy, J)

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