

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5591 of 2021**

Arising Out of PS. Case No.-68 Year-2015 Thana- MANSURCHAK District- Begusarai

BIRAN SADA @ BIRENDRA SADA @ BIREN SADA S/o Ramashish Sada
R/o Village - Khetapur, P.S - Sarai Ranjan, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Ms. Sumar Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 29-07-2021 Heard learned counsel for the petitioner and Ms.
Suman Kumari Singh, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Mansoorchak P.S. Case No. 68 of 2015 registered for the offences punishable under Section 302 and 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the brother of the informant was returning home after withdrawal of Rupees 30,000/- for the construction work of school building, he was posted as a teacher. While he was going to B.R.C. by Honda Shine Motorcycle and as soon as he reached near husk shop Karbala, the unknown miscreants who were sitting there from before with plan, shot at the brother

of the informant as a result of firing upon him he fell down and the unknown miscreants looted away cash and motorcycle of the informant's brother.

Learned counsel further submits that during course of investigation one Hemant Sada, who happens to be husband of the sister of petitioner's wife was arrested by the police and in his confessional statement the name of this petitioner transpired. The named of the petitioner has transpired as the main assailant in the confessional statement of the co-accused.

Learned counsel further submits that the petitioner was arrested on 25.12.2015 in Ganga Bridge P.S. Case No. 105 of 2015 and from that very case he has been remanded in various cases as mentioned in Paragraph-3 of the petition. In the present case the petitioner was remanded on 17.8.2019.

Learned counsel submits that since the investigation against the petitioner is complete, considering the period of custody the petitioner may be enlarged on bail, other co-accused similarly situated are said to have been granted bail by various orders contained in Annexure-2 series in the bail petition.

On the other hand, Ms. Suman Kumari Singh, learned APP for the State has opposed the prayer for bail of the petitioner. Learned counsel submits that the name of the

petitioner has no doubt transpired in the confessional statement of the co-accused but the allegation of firing is on this petitioner. Apart from this, the petitioner has got huge criminal antecedent which may be noticed from the description of cases provided in Paragraph-3 of the application. He has got cases since year 2007 though he was arrested only in the year 2015 in connection with another case.

Learned APP further submits that the scientific investigation has revealed in the case diary that the petitioner was in constant touch through his mobile with the co-accused. It is lastly submitted that considering the nature of the association of the petitioner and the huge criminal antecedent, if the petitioner is released on bail at this stage, there is no chance of conclusion of trial in near future. The cases are pending against him for over a decade.

Considering the facts and circumstances of the case, the seriousness of the offence alleged and the materials placed before this Court as also the huge criminal antecedent of the petitioner which have been noticed herein above, this Court agrees with the submission of learned APP that the kind of association which the petitioner has, if he is released on bail it would be difficult to let the trial conclude, hence the prayer for

bail of the petitioner is refused at this stage. Let the trial be concluded as expeditiously as possible and preferably within a period of one year from the date of start of normal functioning of the Court. If the trial remains unconcluded for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

It will be responsibility of the prosecution and the Superintendent of Police, Samastipur to ensure that all the witnesses official as well as non-officials must be produced on the date fixed in the matter.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.