

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15112 of 2023

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

Biran Sada @ Birendra Sada @ Biren Sada S/o Late Ramashish Sada R/o
Village- Khetapur, P.S.- Sarai Ranjan, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Himanshu Ranjan, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. By filing this application, the petitioner has renewed his prayer for bail in connection with S.T. No.824 of 2022 arising out of Mansoorchak P.S. Case No.68 of 2015 registered for the offence under Sections 302 and 394 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 29.07.2021 passed in Cr.Misc.No.5591 of 2021.

4. Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case since 17.08.2019 and till date the trial has not been concluded, hence, in view of the observations of this Court in its order dated



29.07.2021, the petitioner deserves privilege of bail.

5. On the other hand, learned APP for the State submits that apart from the fact that the name of this petitioner has transpired as main assailant of the deceased, the fact is that he has huge criminal antecedent and from paragraph '3' it would appear that he had about 29 cases on his head. At this stage also at least 19 cases are pending against him.

6. It is submitted that the another fact is that this petitioner was absconding for about eight years since the year 2007 and this Court has noticed that if he is released on bail, it would be difficult to make the trial concluded. The same situation exists as on today.

7. This Court has besides hearing learned counsel for the petitioner and the State, perused the report of the learned trial court. It appears that in this case there are nine charge-sheeted witnesses, out of which, four witnesses have already been examined and cross-examined as per report dated 09.01.2024. The learned trial court has given an estimated period of 15-18 months in conclusion of trial. This Court finds that as per report five charge-sheeted witnesses are yet to be examined and further three months period have expired, therefore, in all probability the trial is likely to be concluded



within a year.

8. Considering the entire facts and circumstances, the chances of the petitioner absconding the trial and the huge criminal antecedents, this Court is not inclined to release the petitioner on bail.

9. The learned trial court is directed to proceed with the trial without granting unnecessary adjournment and all efforts be made to conclude the trial within one year as estimated. If the trial remains unconcluded within this period, the petitioner may renew his prayer for bail.

10. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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