

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54494 of 2024

Arising Out of PS. Case No.-100 Year-2015 Thana- GANGABRIDGE District- Vaishali

Birendra Sada @ Biran Sada Son of Ramashish Sada R/O Vill.- Khetapur,
Dharmpur, P.s.- Sarairanjan, Dist.- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Canara Bank Through Its Branch Manager, Kuari Buzurg Branch, P.S.-
Ganga Bridge, Dist.- Vaishali Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP
For the Canara Bank	:	Mr. Rajan Ghoshrane, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 Heard Mr. Shanti Bhushan Singh, learned Advocate

for the petitioner and Mr. Ram Sevak Choudhary, learned APP

for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sessions Trial No.70(A)/2018, arising out of
ganga Bridge P.S. Case No.100 of 2015 registered for the
offence punishable under Section 395 of the Indian Penal Code
and further added under Section 412 of IPC .

3. The allegation against the petitioner is of
committing dacoity in a Bank. It is further alleged that the
miscreants looted a total amount of Rs.15,15,000/- and other
valuables.



4. Learned Advocate for the petitioner contended that the entire case is based upon the confessional statement of Bipul Patel and Binod Rai. The looted article has also been recovered from the house of Bipul Patel and from the house of father-in-law of Bipul Patel. It is next contended that only because of the long list of criminal antecedent of the petitioner which runs to the tune of 29 cases, the petitioner has been incarcerated since 04.01.2016, the date on which he was remanded in this case from Ganga Bridge P.S. Case No.109 of 2015. It is also the contention of the petitioner that till date only the charges have been framed and there is no progress in the trial as such, hence keeping the petitioner behind the bar for a long period only because of his criminal antecedent is not justified.

5. On the other hand, learned APP for the State as well as learned Advocate for the Canara Bank vehemently opposes the bail application and submits that cogent materials have collected during the course of investigation showing the complicity of the petitioner and moreover the long list of the criminal antecedent speaks loud about the notoriety of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody of



more than eight years and still there is no likelihood of conclusion of the trial in near future; moreover, the criminal antecedent of a person cannot be sole ground to keep him behind the bar for an indefinite period, the accusation and role of the accused is to be looked into in each and every case, separately. The present case is completely based on confessional statement, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajpur in connection with Sessions Trial No.70(A)/2018, arising out of Ganga Bridge P.S. Case No.100 of 2015, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

durgesh/-

U		T	
---	--	---	--

