

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40765 of 2025

Arising Out of PS. Case No.-57 Year-2014 Thana- SAKRA District- Muzaffarpur

Sudhir Bhagat @ Sudheer Bhagat S/O Ramdeo Bhagat @ Ram Dev Bhagat
Resident of Mahabbatpur, P/S- Deoria, District- Muzaffarpur

... .. Petitioner

Versus

The State Of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Alok Kumar Alok, Advocate Mr. Vivek Kr. Pandey, Advocate Mr.Uday Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-11-2025 Heard Mr. Alok Kumar Alok, learned counsel

appearing on behalf of the petitioner and Mr. Anil Kumar Singh

No.1, learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

UPA Case No. 02 of 2024 arising out of Sakra P.S. Case No. 57

of 2014 registered for the offences under Sections 147, 148,

149, 341, 342, 323, 307, 380, 427, 435 and 384 of the Indian

Penal Code.

3. The accused/petitioner is **not named** in the First

Information Report and is in custody since 27.09.2015.

4. As per FIR, the petitioner alongwith some unknown

miscreants broken the office and plant of the informant and also

put twelve vehicles on fire which was parked within the premises



of the plant and fled away by raising slogans in support of maoists.

5. It is submitted by learned counsel appearing on behalf of the petitioner that name of this petitioner transpired during course of investigation on the basis of confessional statement of co-accused Govind Sahani, in furtherance of which, no incriminating material recovered/ surfaced from his possession, which may connect him with the present crime in question.

It is pointed out that despite of custody of more than ten years, even charge could not framed in this case, therefore, petitioner cannot be kept behind the bar for an indefinite period in want of trial.

It is submitted that such delay in concluding trial is clear violation of fundamental right of petitioner *qua* speedy trial as available under Article 21 of the Constitution of India. In support of his submission, learned counsel relied upon legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors Vs. Home Secretary State of Bihar, [1980 (1) SCC 98]**.

Arguing further, it is submitted that petitioner found



involved in 13 more criminal cases, where in maximum of cases, name of this petitioner transpired on the basis of suspicion arising out of confessional statement as of the present case, having otherwise, no evidentiary value under law. It is pointed out that merely on the basis of criminal antecedents, prayer of bail of the petitioner should not be denied ordinarily. In support of his submission, learned counsel relied upon legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648..**

6. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, could not disputed the aforesaid factual and legal submission particularly the custody period of petitioner and progress of trial.

A report regarding stage of trial was also called for from the learned trial court vide order dated 17.10.2025, which now made available to this Court through Letter No. 12/2025 dated 04.11.2025 as issued from the court of learned Sessions Judge-cum-Special Judge, wherein it is categorically stated that the matter is currently running on board for framing of charge and same could not framed in want of sanction order.



7. In view of aforesaid factual submission and by taking note of the fact as despite custody of petitioner for more than 10 years, even charge could not framed in this matter for want of sanction, as discussed aforesaid, which categorically suggest that trial of this case is not likely to conclude in near future amounting to the violation of fundamental right of petitioner *qua* speedy trial, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Principal District & Sessions Judge, Muzaffarpur/concerned court, in connection with UPA Case No. 02 of 2024 arising out of Sakra P.S. Case No. 57 of 2014, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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