

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72655 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- Patarghat District- Saharsa

Kuldeep Sada S/O Late Ganpat Sada Resident of village- Forsaha Ward No. 16, P.S.- Patarghat, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 72828 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- Patarghat District- Saharsa

Sagar Sada @ Sagar Kumar S/o Kuldeep Sada Resident of Forsaha, Ward No 16, PS- Patarghat, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72655 of 2025)

For the Petitioner/s : Mr. Md. Mumtaz Uddin, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

(In CRIMINAL MISCELLANEOUS No. 72828 of 2025)

For the Petitioner/s : Mr. Md. Mumtaz Uddin, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 10-02-2026 As both these bail applications arise out of the same police station case number, hence they are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners seek bail in a case registered for



the offence punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita.

4. As per the prosecution case, when the informant was returning his home on the way, he was intercepted by some unknown miscreants, who brutally murdered him.

5. The learned counsel for the petitioners submits that the First Information Report was lodged after a delay of three days and the same had been lodged against unknown miscreants of having committed murder of the informant's husband while he was returning home. The name of the petitioners, who are father and the son, transpired in the confessional statement of co-accused Pawan Sada, who while accepting that he has committed murder has took the name of other accused persons including the present petitioners and their complicity. It is further submitted that the petitioners are in custody since 11.06.2025 and petitioner Kuldeep Sada is aged about 73years while the petitioner Sagar Sada happens to be the son of petitioner Kuldeep Sada. Besides confessional statement, no cogent material has transpired against the petitioners but for some vague suspicion as there is no eye-witness to the case.

6. Learned APP for the State opposed the grant of



bail on the ground that this is a case of brutal murder and according to paragraph no.165 of the case diary, a motive has been indicated with regard to involvement of these petitioners by way of the statement of witness Jagannath Rishideo. In response to the same, it has been submitted that the trial has commenced in this case and the said witness Jagannath Rishideo has been examined as PW-2 and he has not supported the case of the prosecution and has been declared hostile. It is further submitted that in the trial two witnesses have already been declared hostile while there are other witnesses remaining to be examined and as such, there is no likelihood of conclusion of trial in near future.

7. Taking into consideration the facts and circumstances and considering that no substantial or cogent material seems to have appeared against the petitioners during the course of investigation, coupled with the delay in the F.I.R. which was lodged against unknown and also taking into consideration that in the trial also only two witnesses have been examined, who have not supported the case of the prosecution, let the above named petitioners, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate,
Saharsa/concerned Court below in connection with Patarghat
P.S. Case No. 47 of 2025 subject to condition that:-

- (i) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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