

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32962 of 2014

Arising Out of PS.Case No. -238 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Swapan Kumar Lahiri S/o Late Charan Das Lahiri Resident of Belam
Bazar ,Bangali Tola , P.S.- Kasim Tola ,District - Munger A/P Resident of
Mohalla - Adampur ,P.S.-Adampur , District -Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 06-02-2015 Heard both sides.

The petitioner apprehends his arrest in Kotwali
(Tilkamanjhi) P.S. Case No. 238/2014 registered under Sections
420, 409, 381/34 of the Indian Penal Code.

The Registrar, Civil Court, Bhagalpur alleged that the
record of Sessions Trial No. 300 of 1993 was disposed of on
19.05.1995 by the learned 2nd Addl. Sessions Judge but the record
was not deposited in the Record Room and it transpired that
Swapan Kumar Lahiri (the petitioner), Shivraj Ram and Kanchan
Sarkar were the Office Clerk, Bench Clerk and Additional Clerk
respectively from 19.05.1995 to 23.06.1995.

Learned counsel for the petitioner submits that the
petitioner was of course the Officer Clerk in the court of the

learned 2nd Addl. Sessions Judge but not even a preliminary enquiry was held to fix prima facie responsibility on a person for missing of the records. Merely because the petitioner was posted as Office Clerk, he is made accused in this case. The petitioner retired from service in the year 1999 and he is an old man.

It appears that the record of Sessions Trial No. 300 of 1993 was disposed of on 19.05.1995 and the same was not deposited in the Record Room. From perusal of the contents of the F.I.R. itself, it appears that no preliminary enquiry was held to find out as to who is responsible for missing of the record. The petitioner retired 15 years ago.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Kotwali (Tilkamanjhi) P.S. Case No. 238 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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