

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26850 of 2018

Arising Out of PS. Case No.-156 Year-1992 Thana- LAKHISARAI District- Lakhisarai

Shankar Mandal @ Shankar Yadav, son of Late Ramchandra Mandal, resident of Village- Bari Pokhar Purani Bazar, Lakhisarai, P.S. and District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 31-10-2018

Heard learned counsel for the petitioner.

Petitioner prays for bail in connection with Lakhisarai P.S.Case No. 156 of 1992 registered for the offences punishable under Sections 148, 149, 341, 324, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Earlier prayer for bail of the petitioner was rejected vide order dated 21.7.2017 by this Court passed in Cr.Misc.No. 29816 of 2017 and it appears that petitioner is named in the FIR and there is allegation against him is of assault to the deceased and it further appears that petitioner was granted provisional bail by this Court vide order dated 23.3.1993 passed in Cr.Misc.No. 3206 of 1993 and thereafter he was absconding for 24 years and he is in custody since 28.11.2016.



Submission of learned counsel for the petitioner is that the case diary is missing and he has remained in custody for about two years and in absence of case diary progress of trial is held up.

Heard learned APP also and from perusal of the record it appears that for production of case diary this Court has monitored the matter and in spite of several efforts taken by this Court had in spite of fact that both the S.P., Munger, which was the original district of Lakhisarai and S.P., Lakhisarai were called for to produce the case diary, the same is not traceable, and for want of case diary the petitioner is languishing in jail

In such view of the matter, this Court has left with no option but to release the petitioner on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Lakhisarai, in connection with Lakhisarai P.S.Case No. 156 of 1992, subject to the condition that one of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned and further condition is that petitioner has to appear in court as and when required, otherwise his bail bond shall be canceled and before release the petitioner the



court below is directed to verify the sureties of the petitioner as well as identification of the bailor.

(Vinod Kumar Sinha, J)

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