

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50870 of 2018

Arising Out of PS. Case No.-319 Year-1985 Thana- BEGUSARAI TOWN District- Begusarai

Indradeo Paswan, son of Late Miso Paswan, Resident of Village - Churai
Tola, Police Station - Begusarai Town, District - Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 12-03-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 13.06.2018 in
connection with Begusarai Town P.S. Case No.319 of 1985
corresponding to Sessions Trial No.204(A)/1988 registered
for the offence under Section 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that
earlier the petitioner was granted bail in Cr.Misc. No.3994
of 2007, vide order dated 09.02.2007 passed by a Bench of
this Court. Learned counsel for the petitioner submits that
while the trial of the case was in progress, the record of the
case vanished surreptitiously and, therefore, the petitioner
could not follow-up the progress of the trial and
consequently, at one point of time, the bail bond of the



petitioner was cancelled and he was taken into custody. Learned counsel further submits that due to no fault of his, the petitioner is languishing in jail though he had earlier been extended the privilege of regular bail by this Court and is also willing to co-operate in the trial as and when it ensues. However, he points out that as per the report of the trial court, the trial records of this case are still untraceable and, therefore, to keep the petitioner behind bars would occasion miscarriage of justice.

Having considered the entire facts and circumstances of the case, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I, Begusarai, in connection with Begusarai Town P.S. Case No.319 of 1985 corresponding to Sessions Trial No.204(A)/1988, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in



any similar offence till conclusion of the trial.

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

(4) The petitioner shall remain physically present in court on each and every date during trial before the concerned trial Judge where the matter is proceeding in a parallel file as reported by the A.S.J.-I, Begusarai.

It further appears that the court concerned, including the learned Sessions Judge, is taking hectic efforts to locate the file so that the case can proceed.

Let appropriate steps be taken in the matter so that the trial is concluded at the earliest.

(Anjana Mishra, J)

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