
(2008) 09 PAT CK 0047
In the Patna High Court
Case No : Cr.WJC No. 584 of 2008

Jiwan Yadav @ Jiwan Sardar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 22-09-2008

Acts Referred:

Citation : (2009) 2 PLJR 44

Hon'ble Judges : Samarendra Pratap Singh, J

Bench : Single Bench

Judgement

Samarendra Pratap Singh, J.—Heard. It is submitted that, in fact, the petitioner was earlier lodged in Begusarai Jail from where he was taken to Lakhisarai Jail and then Bhagalpur Jail.

2. In the instant writ application initially the petitioner made" two prayers: firstly not to transfer him from Lakhisarai Jail to Bhagalpur Jail so that he may be able to pursue his criminal cases and second prayer was to send him Begusarai Jail to ensure his appearance in cases in which he is accused.

3. Learned counsel withdrew first prayer as the petitioner has already been transferred to Bhagalpur Central Jail on 27.7.08. In respect of his second prayer, learned counsel submits that he is facing trial in number of cases at Lakhisarai and Begusarai and his continuance at Bhagalpur Jail would delay his right to speedy trial. He submits that if the respondents authority do not want to keep him at Lakhisarai they can shift him at Begusarai so that his trial may not be delayed.

4. Learned counsel for the State submits that due to dilapidated condition of Jail of Lakhisarai, the petitioner has been transferred from Lakhisarai Jail to Bhagalpur Jail. He also submits that the petitioner was shifted to Bhagalpur Jail for six months only in view of threat perception to his life. In this respect learned counsel for the State refers to Annexure A to the counter affidavit. Learned State counsel also submits that there is every likelihood that the petitioner may flee

from the jail.

5. Having heard the learned counsel for the parties this Court is of the view that the petitioner has a right to speedy trial. In case there is a threat to life of the petitioner, the authorities are required to evolve measures to prevent both the ends. Shifting a person to another jail for a long period cannot be a solution.

6. In this view of the matter the authority will consider the desirability of shifting the petitioner either to Begusarai Jail or the nearby neighbouring jail in District of Munger within eight weeks from the date of receipt of copy of this order. With the aforesaid observation this writ application is disposed of.