
(2008) 11 PAT CK 0028
In the Patna High Court

Pratap Rana @ Vikash Kumar P. Vikki Singh
Vs

APPELLANT

The State of Bihar and Others

RESPONDENT

Date of Decision : 19-11-2008

Acts Referred:

Prisoners Act, 1900 — Section 29
Prisons Act, 1894 — Section 29

Citation : (2009) 2 PLJR 483

Hon'ble Judges : Samarendra Pratap Singh, J

Bench : Single Bench

Judgement

Samarendra Pratap Singh, J.—Heard the learned Counsel for the petitioner and the State.

In the instant writ application the petitioner has prayed for quashing the order dated 4.7.2008 passed by the I.G. (Prison) Home Department, Bihar, by which the petitioner has been shifted from Beur Jail, Patna to Special Central Jail, Bhagalpur.

2. The learned Counsel states that the petitioner is facing trial in Patna in 4 - 6 cases. In one of the cases even production warrant has been issued for his production for trial of Session Trial No. 841/07. The learned Counsel submits that vide Annexure-3 respondent No. 4 has written to the Superintendent, Special Central Jail, Bhagalpur for his production at Patna for trial of his case there. It is further submitted that none of his cases is pending at Bhagalpur Special Central Jail.

3. The learned Counsel for the State submits that the petitioner has been shifted to Bhagalpur pursuant to the power u/s 29(3) of the Prison Act on the administrative grounds as the petitioner's continuance in Beur Jail was creating trouble by demanding ransom and provoking other prisoners in jail.

4. The learned Counsel for the petitioner submits that he had been shifted to Special Central Jail Bhagalpur for six months and he has already spent 41/2

months there.

5. This Court in the case of Shiv Gope v. State of Bihar disposed of on 30.9.200 has observed that though the prisoners have right to speedy trial, none of the prisoners can be allowed to threaten or cause injury to other prisoners. In case he threatens other prisoners or person then he can be shifted to other jail in view of security of other prisoners and staffs of the jail. Such prisoners cannot claim right of speedy trial at the cost of life of other prisoners.

6. In the instant case it move then 41/2 months since the petitioner has been shifted to Bhagalpur Central Jail. Shifting u/s 29 of Prisoners Act cannot be for an indefinite period it has to be a mere temporary measure to tide over current situation. The authorities cannot escape from their liability of strengthening vigil in the Jail to ensure safe atmosphere in jail and no one is able to issue threatenings or place any offence from inside the Jail, as held by this Court in case of Rajeev Kumar Singh v. State of Bihar reported in 2008.

7. In the circumstances this Court directs the respondents to take steps for bringing petitioner back from Bhagalpur to Patna preferably within two weeks from the date of receipt/production of a copy of this order for ensuring speedy trial of cases pending in Patna court.

8. With the aforesaid observations and directions this writ application is disposed of.

9. Let a copy of this order be handed over to the Government Advocate for being transmitted to the concerned authority for needful.