

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4586 of 2015

Arising Out of PS.Case No. -68 Year- 1996 Thana -KARPI District- JEHANABAD

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BASANT YADAV @ PAPPU @ PAPPU YADAV SON OF LATE
GOPAL PRASAD @ GOPAL PRASAD SINGH @ GOPAL YADAV
RESIDENT OF VILLAGE - ANSARI, P.S - KARPI, DISTRICT -
ARWAI.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mrs. Usha Kumari Singh, Adv.

For the Opposite Party/s : Mr. T.P.Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

6 22-05-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

The Jail Superintendent, Jehanabad is physically present. At an earlier occasion show-cause has been filed on his behalf in pursuance of court's order dated 06.05.2015. Gone through the show-cause. From para-3 of the show-cause it is evident that petitioner was transferred to Sub-jail, Daudnagar on 25.10.2013. From para-4 of the show-cause it is evident that since 25.10.2013 neither any correspondence has been made by the Jail Superintendent, Jehanabad to procure attendance of the petitioner nor any effort has been taken on



this score and that being position, the case remained pending for years together for the presence of petitioner. While hearing instant criminal miscellaneous, a direction was made to have the case committed at an earliest after procurement of attendance of accused petitioner, then thereafter the SDJM, Jehanabad requested whereupon the Jail Superintendent, Jehanabad awoken from slumber. Even then attendance of accused was not procured at the other end only paraphernalia has been completed by way of making correspondence. Lastly, vide order dated 06.05.2015 when the Jail Superintendent has been directed to be physically present along with show-cause then thereafter, appearance of the accused-petitioner has been procured. Thus, it is manifest that Jail Superintendent, Jehanabad was careless, negligent during discharge of his duty. At the present moment, the learned counsel for the petitioner submits that case has been committed. Even during course of interlocutory event, the Jail Superintendent has tried to justify his conduct by saying that he had joined in the month of May, 2014 and further, he has got no knowledge with regard to having petitioner away from Jehanabad Jail, though as Jail Superintendent, he was required to be. Furthermore, asserted that he is Deputy Collector, hence he is not expected to be efficacious to deal with the situation.

From the conduct of the Jail Superintendent, it is apparent that he happens to be indolent, negligent in his duty



as well as, it appears that whole episode happens to be collusive one. On account thereof, the District Magistrate, Jehanabad is directed to replace Lalit Kumar Singh, the present Jail Superintendent from working furthermore as Jail Superintendent, Jehanabad. The District Magistrate, after complying the order, will inform the court. Furthermore, taking into account the conduct of the Jail Superintendent by which he had intentionally as well as negligently allowed the court proceeding to linger such long period, is deprecated as well as is found guilty therefor. On account thereof, show-cause filed on his behalf is rejected. For such intentional / negligent conduct, it is ordered that the same be incorporated in his service book as well as he should not be assigned any responsible post in future.

Petitioner on account of his absence has allowed the proceeding to be pending since 1996. However, is found under custody since 25.07.2013.

In the aforesaid facts and circumstances of the case, petitioner **Basant Yadav @ Pappu @ Pappu Yadav** is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned **Chief Judicial Magistrate, Jehanabad** in connection with **Karpi P.S. Case No.68 of 1996, but the order should be made operative after framing of charge.**

Let a copy of the order be served upon District Magistrate, Jehanabad as well as upon learned Additional Public Prosecutor for effective compliance.

(Aditya Kumar Trivedi, J.)

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