

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2086 of 2018

Arising Out of PS. Case No.-95 Year-2002 Thana- MEHANDIA District- Jehanabad

Rajesh Kumar @ Rajesh Sharma S/o Ram Janam Sharma, R/o Vill.- Belsar,
P.S.- Mehendiya, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Government of Bihar, Patna.
2. The Inspector General of Jail, Bihar.
3. The Superintendent of Jail Gaya.
4. The Superintendent of Jail Jehanabad.
5. The Superintendent of Police, Gaya.
6. The Superintendent of Police, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar, Advocate Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-11-2018 Learned counsel for the petitioner submits that the petitioner being accused in Sessions Trial No. 142 of 2016 arising out of Mahendiya P. S. Case No. 21 of 2018 pending in the court of learned Additional Sessions Judge III, Jehanabad is required to be produced so that his trial could be proceeded.

Learned counsel also submits that the petitioner is a convict in another case and presently is confined in Central Jail, Gaya. It is submitted that because of non-production in connection with the case at Jehanabad, the trial is getting delayed.

Learned counsel for the State is present.



In the given facts and circumstance of the case, this Court finds that there is an order dated 04.01.2017 passed by the learned Additional Sessions Judge I, Jehanabad wherein learned court has recorded that an application dated 29.11.2016 has been filed on behalf of the accused and then directed for issuance of production warrant. It is, thus, evident that there is a judicial order of the trial court but the same is not being complied with.

In the given facts and circumstance, the Superintendent of Jail, Jehanabad and the Superintendent of Police, Jehanabad are hereby directed to ensure the compliance of the order of the learned trial court without further delay, failing which the latches on their part will be viewed seriously by this Court. They are required to keep in mind that because of such delay on their part the trial is being arrested and not being held which is in violation of the fundamental rights of speedy justice of an accused. On the next date the production warrant issued by the trial court must be executed. The petitioner will be at liberty to move this Court for initiation of a contempt if the order aforesaid is not complied with.

(Rajeev Ranjan Prasad, J)

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