

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.393 of 2021

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Ashish Kumar S/o - Yogendra Prasad Yadav R/o- Ward No. 106 (Garhi Bisanpur), Bishanpur, Samastipur, Bihar – 848205. Petitioner/s

Versus

1. The State of Bihar through Home Commissioner.
2. IG, Prison, Government of Bihar, Patna.
3. Superintendent of Jail, Beur, Patna.
4. Learned ADJ- III, Khagaria.
5. Ranbeer Yadav S/o- Late Hari Ballabh Yadav R/o - Village - Chukti, P.S. - Mansi, District- Khagaria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Asfar Alam, Advocate
Mr. Arshad Alam, Advocate
For the Respondent/s : Mr. P.K. Verma AAG-3

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- “ (i) That the learned court of ADJ-III, Khagaria may be directed to conclude the Trial of Sessions Trial No. 266/2011 pending due to non-appearance of the accused within 3 months.
- (ii) That the Superintendent of Jail, Beur, Patna may be issued show cause as under what situation/circumstances/directions was the accused sent to PMCH & AIMS without any court order.
- (iii) That the Jail authority may be directed to recover the money for the expenditure of sending the accused to different hospitals.
- (iv) To directed the respondents to shift the accused Ranbeer Yadav to a Bhagalpur Central Jail or Khagaria Jail.
- (v) Pass such other order/orders, direction/directions as Your Lordships may deem fit & proper and for which the petitioner is found entitled to in the facts and circumstances of the case and in accordance with the law.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be



content if a direction is issued to the I.G. Prison, Government of Bihar, Patna to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the I.G. Prison, Government of Bihar, Patna shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in



accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

