

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34387 of 2022

Arising Out of PS. Case No.-240 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

BALDEEP SINGH @ BUTA SINGH SON OF GUDYANTRA SINGH @ MAHINDER SINGH R/O VILLAGE- SHAHID BHAGAT SINGH NAGAR, POKHOWAR ROAD, P.S.- PHULWAR, DISTRICT- LUDHIANA (PUNJAB) AT PRESENT VILLAGE- SUGAWA, P.S.- MEHANA, DISTRICT- MOGA, STATE OF PUNJAB

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-09-2022 Heard learned counsel for the petitioner and learned APP for the State.

In this case, while granting bail on 12.09.2022 and considering the fact that the petitioner was in custody for more than five years, report was called for from Jail Superintendent, Hajipur on the number of under trials, who are in custody for more than three years and on the steps taken by him in case they are not in a position to seek legal remedies.

As per the report submitted, 11 prisoners are there. However, according to the Jail Superintendent, Hajipur, they know the provisions of free legal aid but has never approached him. On the point as to whether the same has been reported to



the DLSA, Vaishali, Hajipur or not, the answer is in negative.

The Jail Superintendent, Hajipur as such is directed to make the list of all the 11 prisoners including the their case numbers and the sections under which they are in custody and provide the same to the Secretary, DLSA, Vaishali, Hajipur so that proper legal assistance is/are extended if they want.

So far as the pendency of trial in the said case is concerned, report was also called for from the Trial Court, Vaishali at Hajipur which has also been received.

As per the report, after 20.02.2020, the matter remained pending and was finally taken up on 21.09.2022 and the reason has been given due to COVID-19, the same could not be taken up.

The Trial Court should have taken into account the long custody of the petitioner and once the COVID-19 was over, immediate steps should have been taken for resumption/ conclusion of the trial and not after an order dated 12.09.2022 was passed by this Court.

The Trial Court is directed to expedite the trial and conclude the same with utmost urgency.

Let copies of the order be sent to the Superintendent, Divisional Jail, Hajipur and the learned District Judge, Vaishali



at Hajipur for the needful.

The file is consigned accordingly.

(Rajiv Roy, J)

Jagdish/Neha-

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