

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1569 of 2018

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Hem Chandra Jha, S/o Late Bishwanath Jha, Resident of Village+Post-Kataiya, P.S.- Benepatti, District- Madhubani, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Chief Secretary.
2. The Inspector General, Prisons, Department of Home (Jail), Patna.
3. The Assistant Inspector General, Prisons, Department of Home (Jail), Patna.
4. The District Magistrate, Gaya.
5. The Superintendent of Police, Madhubani.
6. The Superintendent, Central Jail, Gaya.
7. The Probation Officer, Benepatti, Madhubani.
8. The Officer-in-Charge of Benipatti Police Station, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh, Adv.

For the Respondent/s : Mr. Partha Sarthy (GA 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2018 The petitioner is a life convict in Aurangabad P.S.Case No.143/91 and is said to be in custody undergoing the sentence of life imprisonment. He is seeking his release on parole for ten days on the ground of 'Upnayan Sanskar' of his three sons which is to be performed. It is stated that the earlier the date was fixed on 15.07.2018 for 'Upnayan Sanskar' but that could not take place because the application of the petitioner for seeking release on parole could not be considered in time.

Learned counsel for the petitioner has drawn the attention of this Court towards the facts stated in the writ



application wherein it is said that the Superintendent of Central Jail, Gaya, had written to the Superintendent of Police, Madhubani, on 16.04.2018 to ascertain the facts with regard to any law and order problem if the petitioner would be released on parole.

It is further stated that a report in this regard has been submitted by the Officer-in-Charge of the Benepatti Police Station and in his report dated 16.04.2018 to the Superintendent of Police, Madhubani, has stated that after enquiry from the villagers and Mukhia, it appears that no law and order problem is likely to take place. The petitioner is at this stage is seeking direction to the competent authority (respondent no.2) to consider his application based on the materials available on the record and pass an appropriate order for release of the petitioner on parole.

Learned counsel for the State is present.

In the nature of the submissions made before this Court, the Inspector General, Prisons, Department of Home (Jail), Patna, who is said to be the competent authority to consider the application of the petitioner is hereby directed to consider the request of the petitioner after collecting all materials that may be required for the purpose of such considerations and pass an appropriate order in accordance with law within a period of three



weeks from the date of receipt/production of a copy of this order.

The petitioner may indicate the competent authority within a period of one week from today about the likely dates for which he is making the request for the parole.

This writ application stands disposed off in terms stated hereinabove.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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