

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.1709 of 2019**

Arising Out of PS. Case No.-403 Year-2014 Thana- SHASTRINAGAR District- Patna

DHARMDEO KUMAR, aged about- 40 Years, S/O of Ramvilash Mahto,
Resident of Jay Nagar, P.S- Sonbarsa, District-Sitamarhi

... .. Petitioner

Versus

1.THE STATE OF BIHAR THROUGH CHIEF SECRETARY GOVT. OF
BIHAR, PATNA
2.The Director General of Police, Patna, Bihar
3.The Senior Suprintendent of Police, Patna
4.Officer Incharge of Shastri Nagar Police Station, Patna
5.The Jail Superintendent, Central Beur Jail, Buer Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Vinod Kumar, Advocate
For the State	:	Mr.Anil Kr., AC to SC 8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-10-2020 Heard learned counsel for the petitioner and Mr. Anil
Kumar learned AC to SC-8 for the State.

This writ application has been preferred seeking a
direction to the respondent authorities to release the petitioner
on provisional bail for better treatment of the petitioner as
according to him he is suffering from serious problem of
Schizophrenia.

This Court has been informed that the petitioner is a
convict. He has been sentenced to undergo an imprisonment of
10 years and his bail against the conviction and sentence has
been dismissed up to the Hon'ble Supreme Court in such



circumstance in fact from the Interlocutory Application filed subsequent to filing of the writ application it appears that the petitioner is looking for his release on parole/furlough in accordance with law. In this regard, a representation has been made by the wife of the petitioner vide letter dated 18.12.2019 (Annexure-6) addressed to the Home Secretary, Department of Home, Government of Bihar, Patna, the representation addresses the reason for seeking parole/furlough.

Learned counsel for the petitioner further submits that the petitioner has already served a sentence of more than 6 years by now.

Learned counsel for the State submits that if the petitioner is looking for parole/furlough, the same may be considered by the competent authority in accordance with law.

Having heard learned counsel for the petitioner as well as the learned counsel for the State, this Court finds that the grievance of the petitioner may be redressed if the respondent authorities look into the representation of the wife of the petitioner as contained in Annexure-6 and take a view thereon keeping in mind the provisions of section 31-B and 31-C of the Indian Prison Act 1900 (State Amendment vide Chapter VI-A) read with the provisions of the Bihar Prisoner's Parole Rules,



1973 which has been framed by the State Government in exercise of its power under Section 31(E) of the Act of 1900. This is also to be kept in mind that the Hon'ble Supreme Court in the case of **Asfaq Vs. The State of Rajasthan and Ors.** reported in **(2017) 15 SCC 55** has categorically held that it does not matter whether a person has been convicted for a serious or heinous offence and consideration for grant of parole/furlough as the case may be would be totally independent. Keeping in mind all these aspects and the Judgment of the Hon'ble Supreme Court, this Court directs the respondent authorities to consider the representation of the petitioner and dispose it of by a reasoned order within a period of 30 days from the date of receipt/production of a copy of this order.

The Writ application as well as the Interlocutory Application stand disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

