

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.468 of 2024

Arising Out of PS. Case No.-154 Year-2011 Thana- CHAPRA TOWN District- Saran

Prity Raj Wife of Piyush Rai @ Nikesh Rai Resident of Village-Ramgarha,
P.S.-Awtarnagar, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna. Bihar
2. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna. Bihar
3. The Director General of Police, Government of Bihar, Patna. Bihar
4. The Inspector General of Prisons, Govt. of Bihar, Patna. Bihar
5. The A.I.G. (Prison), Government of Bihar, Patna. Bihar
6. The District Magistrate, Saran (Chapra) Saran
7. The Superintendent of Police, Saran at Chapra. Saran
8. The Jail Superintendent, Divisional Jail, Saran at Chapra. Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishnakant Singh, Adv. Mr. Anil Kumar Singh, Adv.
For the Respondent/s	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner.

2. This petition has been preferred by the petitioner who is the wife of the convict Piyush Raj @ Nikesh Rai who has been convicted by the learned Trial Court vide its judgment dated 18.12.2017 and sentenced him for life imprisonment which has been also affirmed by this Court as well as by the Supreme Court.

3. It is submitted by the learned counsel that the



petitioner is the legally wedded wife of the said convict/accused person namely Piyush Raj @ Nikesh Rai, their marriage was solemnized on 22.05.2011 and her husband was taken into custody on 17.08.2011 in connection with the said crime for which later on he has been convicted. The petitioner-wife lived with her husband for about three months only and during that period she did not conceive. It is further submitted by the counsel that it is the fundamental right available to the petitioner/applicant under Article 21 of the Constitution of India so that she may get a child and for this purpose the petitioner-wife preferred various applications before the competent authorities vide annexure-3 series which has been not decided yet. Referring to the judgment passed by the Co-ordinate Bench of this Court in case of ***Rajeeta Patel @ Rajita Patel vs. The State of Bihar and Ors.*** passed in ***Criminal Writ Jurisdictional Case No. 1868 of 2019***, Order dated 12.10.2020. It is prayed by the counsel that this petition may be disposed directing the respondent/competent authority to consider and decide and pass a final order on the application submitted by the petitioner in the light of the judgment passed by the Co-ordinate Bench of this Court in the case of ***Rajeeta Patel (supra)***.

4. The above prayer made by the counsel is not



opposes by the counsel for the respondent-State.

5. Considering the statement made by the counsel for the petitioner which has not been opposed by the counsel for the respondent-state, the petition is disposed of, directing the respondents/competent authority to consider and decide the pending applications of the petitioner as mentioned in annexure-3 series and pass a final order in accordance with relevant rules and laws and further taking into consideration the observation made by the Co-ordinate Bench of this Court in the case of *Rajeeta Patel (supra)*. It is directed that the competent authority will take a decision as early as possible probably within three months from today.

With the aforesaid observation, this petition is disposed of.

(Arvind Singh Chandel , J)

Siddharth Soni/-

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