

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.725 of 2016

Arising Out of PS.Case No. -40 Year- 1996 Thana –Kumar Khand District- MADHEPURA

Jai Kumar Sah, Son of Late Ganeshi Sah, Resident of Village- Israin Goth, P.S. Kumar Khand , District Madhepura

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Principal Secretary Cum Commissioner, Department of Home, Government of Bihar, Patna
3. The Secretary, Department of Law, Government of Bihar, Patna
4. The Director General of Police, Government of Bihar, Patna
5. The Inspector General, Koshi Division, Saharsa
6. The Inspector General, (Jail & Reform Services), Government of Bihar , Patna
7. The Deputy Inspector General, (Jail & Reform Services), Government of Bihar, Patna
8. The Director, Probation Services, Government of Bihar, Patna
9. The Bihar State Sentence Remission Board, Patna through its Chairman
10. The District Magistrate, Madhepura, P.S. & District Madhepura
11. The Superintendent of Police, Madhepura, P.S. & District Madhepura.
12. The Superintendent of Divisional Jail, Madhepura, P.S.& District Madhepura
13. The Probation Officer, Home (Jail) Department, Madhepura
14. The S.H.O. Kumar Khand P.S - Kumar Khand, District Madhepura

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate.

For the Respondent/s : Mr. Virendra Kumar, A.C. to S.C. 13

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 22-09-2016

Heard learned counsel for the parties.

2. The petitioner has been convicted for the offences under Sections 302 and 148 of the Indian Penal Code and Section 27 of the Arms Act vide order dated 31st of July, 2000 and 3rd of August, 2000 passed by 1st Additional Sessions Judge, Madhepura. An appeal against the said judgment has been dismissed.

3. The petitioner has sought premature release but such request of the petitioner is not being examined. Thus the jurisdiction of this Court was invoked.

4. The petitioner has not attached the copy of his request for premature release but has attached the communication dated 20th of December, 2012 from Superintendent of Police, Madhepura in respect of premature release of the petitioner.

5. After hearing learned counsel for the parties, I deem it appropriate to direct the competent authority to consider and decide the premature release of the petitioner in the light of Division Bench judgment of this Court in Cr.W.J.C. No. 1042 of 2015 (Tarachand Kapari @ Taranand Kapari @ Karo Kapri Vs. The State of Bihar & Ors.) and the Supreme Court judgment reported as Union of India Vs. V. Sriharan alias Murugan and others, (2016) 7 SCC 1 and in accordance with law.

6. The writ application stands disposed of accordingly.

(Hemant Gupta, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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