

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.869 of 2016

Arising Out of PS.Case No. - Year- Thana - District- MADHUBANI

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Meena Devi, wife of Jai Nandan Mishra, Resident of Village- Ghorbanki, P.S. Basopatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The State Sentence Remission Board through the Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Joint Secretary-cum-Director (Administration), Home Department (Prison), Bihar, Patna.
4. The Secretary, Law Department, Government of Bihar, Patna.
5. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna.
6. The Inspector General, Jail and Reforms Services, Bihar, Patna.
7. The Jail Superintendent, Khudi Ram Bose Central Jail, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Narayan, Advocate.

Mr. Vijay Kumar Singh, Advocate.

For the Respondent/s : Mr. P.K. Verma, A.A.G. 3

Mr. Ujjwal Kumar Sinha, A.C. to A.A.G. 3

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 16-09-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to the decision of the State Government taken on 8th of July, 2016 not to accept the request of Sri Jai Nandan Mishra for premature release after completion of more than 22 years of actual imprisonment.

3. The argument of learned counsel for the petitioner is that many co-accused in the same trial (Sessions Trial No. 125 of 1975) have been granted benefit of premature release whereas, the

same yardstick has not been applied in the case of Jai Nandan Mishra.

4. After hearing learned counsel for the parties, I deem it appropriate to direct the State Government to consider the claim of the convict Jai Nandan Mishra in the light of the Supreme Court judgment reported as Union of India Vs. V. Sriharan alias Murugan and others, (2016) 7 SCC 1 and keeping in view the fact that some of the co-convicts have been granted benefit of premature release.

5. The writ application stands disposed of accordingly.

(Hemant Gupta, J)

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