

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.72 of 2016

Arising Out of PS.Case No. -148 Year- 1998 Thana –Karakat District- SASARAM (ROHTAS)

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Bimla Devi @ Bimla Kuwar, W/o Late Lalan Tiwari, Resident of Village - Mangra,
P.S. Karakat, District - Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police.
2. Director General of Police, Bihar.
3. Principal Secretary, Department of Home, Bihar.
4. Inspector General, Prisons, Government of Bihar.
5. District Magistrate, Sasaram.
6. Superintendent of Police, Sasaram.
7. Jail Superintendent, Central Jail Cum Open Jail Buxar.
8. Laloo Tiwary, Son of Late Ram Lagan Tiwary, Resident of Village - Mangra,
P.O. - Kuru, P.S. - Garari, District - Rohtas.
9. Lala Tiwary, Son of Late Ram Lagan Tiwary, Residents of Village - Mangra,
P.O. Kuru, P.S. Garari, District - Rohtas.
10. Uma Shankar Tiwary, Son of Late Ram Lagan Tiwary, Resident of Village
Mangra, P.O. Kuru, P.S. Garari, District - Rohtas.
11. Pramod Tiwary, Son of Uma Shankar Tiwary, Resident of Village -
Mangra, P.O. -Kuru, P.S. - Garari, District - Rohtas, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Hari Shankar Roy, Advocate.
For the State : Mr. M. K. Upadhyay, A.C. to G.P. 10

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 23-02-2016

Heard learned counsel for the petitioner and the State.

2. Petitioner, a victim, has sought a direction to the respondent authorities to restrain the release of Respondent Nos. 8 to 11 from jail who are undergoing life imprisonment in connection with Sessions Trial No. 495 of 1999.

3. Admittedly, there is no final decision for grant of remission to the convicts. The issue of grant of remission has recently been examined by the Constitution Bench of the Supreme Court in Writ Petition (Crl.) No. 48 of 2014

decided on 02.12.2015 (Annexure-6).

4. In view of the said fact, the present writ petition is disposed of with observation that the claim of the convict for grant of remission shall be considered in the light of the aforesaid judgment. It is further clarified that as and when any decision is taken to grant benefit of remission, it shall be open to the petitioner to take recourse to remedy in accordance with law.

(Hemant Gupta, J)

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