

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.538 of 2017

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Brahama @ Brhamdeo Yadav @ Brahama Mahto @ Brahamha Mahto @
Brahamdeo Yadav, son of Jagarnath Mahto, resident of Village- Marua also known
as Madua, P.S.- Hasua, District- Nawada. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
 3. The Secretary, Department of Law, Government of Bihar, Patna.
 4. The Director General of Police, Bihar, Patna.
 5. The Inspector General of Police, Bihar, Patna.
 6. The Jail Superintendent, Divisional Jail, Nawada.
 7. The Jailor Mandal Kara, Nawada.
 8. Principal Probation Officer, Nawada.
 9. S.P., Nawada. Respondents
- =====

Appearance :

For the Petitioner : Mrs. Manisha Prakash, Advocate
For the State : Mr. Dharendra Kumar, A.C. to G.P. 5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 02-05-2017

Heard learned counsel for the petitioner and the State.

Through this writ application, the petitioner seeks
direction for his premature release who is serving sentence for life in
connection with conviction in sessions trial no.50/1986.

It is contended that petitioner is in custody for more than
17 years and after calculation and addition of remission, the period
will come to be about 24 years. It is urged that even then, he has not
been released in terms of Section 432 of the Cr.P.C.

A counter affidavit has been filed on behalf of the State. A
decision of the Bihar State Sentence Remission Board has been
brought as Annexure A series. 10 of which says that the petitioner's



case has been considered but no final decision could be taken as the opinion of the Presiding Judge was not available. Therefore, effort has been made once again for seeking such opinion from the Presiding Judge.

In the aforesaid factual matrix and the circumstance, we are inclined to dispose of this writ application with a direction to the Sessions Judge, Nawada to send his opinion on its own merit and in accordance with law by responding to Annexure B which is letter no.482 dated 21.03.2017, sent to him by the Superintendent of Jail, Nawada, seeking his opinion under sub-Section (2) of Section 432 of Cr.P.C.

It is expected that such opinion would be transmitted within a period of one month from the date of receipt/production of a copy of this order and, thereafter, the respondent authorities would again submit the case of the petitioner for consideration of the Bihar State Sentence Remission Board in its next meeting.

Let a copy of this order be immediately communicated by the office of this Court to the District and Sessions Judge, Nawada.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

Sanjay-II/-

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