

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 573 of 2017

Arising out of P.S. Case No. -212 Year- 1997 Thana -Rahui
District- NALANDA (BIHARSHARIFF)

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Laungi Devi W/o Late Balchand Gope Resident of Village - Nawada
Par, P.S.- Rahui, District - Nalanda.

.... Petitioner.

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General, Prison, Bihar, Patna.
5. The Assistant Inspector General, Prison, Bihar, Patna.
6. The State Sentence Remission Board, through I.G. Prison, Bihar, Patna.
7. The Jail Superintendent, Mandal Kara, Biharsharif, Nalanda.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Ratnakar Pandey, Adv.

For the Respondents: Mr. Vikas Kumar, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 28-06-2017

Heard parties.

Through this writ petition, the petitioner seeks direction
for premature release of her son namely Shailendra Gope from jail
custody in view of the short sentencing policy of the State
Government dated 21.01.1984 and in terms of Sections 432 and
433A of the Code of Criminal Procedure read with Rule 529(1) of



the Bihar Jail Manual.

The son of the petitioner was convicted and sentenced on 05.08.2000 & 08.08.2000 respectively to undergo life imprisonment under Section 302 IPC as well as rigorous imprisonment for two years under Section 27 of the Arms Act in connection with Rahui P.S. Case No. 212 of 1997 corresponding Sessions Trial No. 181/15 of 1998/98.

It is stated that the son of the petitioner has already completed sufficient period of incarceration for consideration of his premature release in terms of the short sentencing policy of the State Government dated 21.01.1984.

The counter affidavit has been filed on behalf of the State taking a categorical stand in the paragraph 8 that now, since the recommendation of the concerned Superintendent of Police as well as the consent/opinion of the Presiding Officer of the concerned Court have been received, the proposal for premature release of petitioner's son, Shailendra Gope would be put before the Bihar State Sentence Remission Board in its next meeting, thereafter, the Department will act accordingly.

In view of such categorical submission made on behalf of the State, this writ petition stands disposed of with a direction to put up the matter for consideration of premature release of the



petitioner before the Remission Board so that it could be considered by the Board in accordance with law in its next meeting.

(Dr. Ravi Ranjan, J.)

(S. Kumar, J.)

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