

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 836 of 2017

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1. Jageshwar Mahto, Son of Late Sampat Mahto
 2. Punita Devi, Wife of Jageshwar Mahto Both are Resident of Village-Kharnabani, P.s.-Babubarhi, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Inspector General (Prison), Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Senior Superintendent of Police, Madhubani.
5. The Jail Superintendent , Sahid Khudi Ram Bose, Central Jail, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Respondent/s: Mr. Prabhu Narayan Sharma, APP

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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: 10-07-2017

Heard parties.

Perused the records of the case.

The petitioners have approached this Court through this writ petition seeking their premature release stating that they have been sentenced to undergo imprisonment for 10 years and have already remained for about eight years in jail.

However, counter affidavit has been filed on behalf of



the State stating that the petitioner no. 1, Jageshwar Mahto has remained in jail for 4 years, 9 months and 17 days and total custody period with remission comes to 8 years, 8 months and 4 days as on 02.06.2017, thus, he cannot be released prematurely without completing a total period of 10 years along with remission. Similarly, petitioner no. 2, Punita Devi has also remained in jail for 4 years, 9 months and 17 days and total custody period with remission as under trial prisoner comes to 8 years, 8 months and 6 days as on 02.06.2017, thus, she also cannot be released prematurely without completing a total period of 10 years along with remission.

Accordingly, this Court would dispose of this writ petition with a direction that the respective cases of the writ petitioners should be considered for premature release immediately after they complete their respective qualifying period.

(Dr. Ravi Ranjan, J.)

(S. Kumar, J.)

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