

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.969 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Kapil Mahto, son fo late Dasrath Mahto, resident of Village Chhariyari, P.S.
Makdumpur, District, Jahanabad

.... Petitioner

Versus

1. The State of Bihar through the Home Secretary
2. The Inspector General (Prision) Bihar
3. The District Magistrate, Gaya
4. The Superintendent of Police, Gaya
5. The Superintendent of Open Jail, Buxar
6. The Supreintendent of District Jail, Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Kumar Narayan Jamuar
For the State : Mr. P. N. Sharma, A.C. to A.G.

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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: 30-06-2017

We have heard learned counsel for the petitioner and the
State.

Petitioner claims that he has been convicted in the year
1986 under Section 302/149 of the Indian Penal Code and was
sentenced to undergo rigorous imprisonment for life under the
aforesaid sections.

It is contended that since 1998 petitioner is in prison and
has completed about 19 years period of actual imprisonment. It is



contended that son of the petitioner had applied for premature release of the petitioner in view of the provision contained in Section 432 of the Cr.P.C. and Short Sentencing Policy of the State, however, no decision has been taken as yet.

In the aforesaid background of the matter, this Court would be inclined to dispose of this application with a liberty to the petitioner to file a fresh application for his premature release before the competent authority which should consider it in accordance with law and if the petitioner's case finds favour with the authority then the matter should be placed before the Sentence Remission Board expeditiously preferably within a period of three months, so that the case of the petitioner could be considered by it on its own merit and in accordance with law.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay-II/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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