

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 379 of 2017

Arising out of P.S. Case No. -null Year- null Thana -null
District- BUXAR

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Shree Bhagwan Singh @ Shri Bhagwan Singh, S/o Late Ramadhar Singh, Resident of Village-Barkikothia, P.S.-Buxar (Industrial), District-Buxar.

.... Petitioner.

Versus

1. The State of Bihar through the Principle Secretary, Department of Home (Prison), Government of Bihar, Patna.
2. The Secretary, Department of Home (Prison), Bihar at Patna.
3. The I.G. Prison, Bihar at Patna.
4. The Superintendent of Police, Buxar.
5. The Superintendent, Central Jail, Buxar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate.
: Mr. Binod Kumar Singh, Advocate
: Mr. Abhinav Singh, Advocate.

For the Respondents: Mr. Vikash Kumar, Advocate

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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: 07-04-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated 29/30.06.2016 passed by the Bihar State Sentence Remission Board, Patna by which the proposal with respect to the petitioner's remission in his sentence has been rejected.

It is contended on behalf of the petitioner that the rejection is only on the ground that he was convicted in a case of



multiple murder which cannot be form a ground of rejection.

The issue is no longer *res integra* as a Division Bench of this Court vide judgment dated 02.02.2017 passed in Cr.W.J.C. No. 103 of 2017 (Gorakh Nath Singh vs. The State of Bihar & Ors.) has already considered and held that the judgment of conviction and order of sentence cannot form ground of rejection of premature release as the same would amount putting the cart before the horse. The Apex Court has already held as such.

It is contended that the age of the petitioner is about seventy years.

Having considered the aforesaid aspects of the matter, we are of the view that the order dated 29/30.06.2016 passed by the Bihar State Sentence Remission Board, Patna cannot be sustained and is, hereby, quashed and set aside.

The matter is remitted to the Bihar State Sentence Remission Board, Patna for fresh consideration in accordance with law expeditiously preferably in its next meeting.

This writ petition stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J.)

(Vikash Jain, J.)

Vikash/-

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