

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.831 of 2017

=====

1. Rajendra Manjhi, S/o Late Vishundhari Manjhi
2. Rajhuni Manjhi, S/o Late Vishundhari Manjhi Both are R/o Zafra, P.S. - Shilaw,
District - Nalanda.

.... Petitioners

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar, Patna.
2. Inspector General (Prison), Home Department, Government of Bihar, Patna.
3. The State Sentence Remission Board through its Chairman, Department of Home, Patna.
4. The Jail Superintendent, Adrash Central Jail, Beur, Patna.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Mohit Raj, Advocate
For the State : Mr. Sheo Shankar Prasad, S.C. 8,
Mr. Anil Kumar, A.C. to S.C. 8

=====

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 application, the petitioners, who are serving life imprisonment in connection with Silaw P.S. Case No.229 of 1992 arising out of Sessions Trial No.343 of 93 after their conviction under Sections 302 of the I.P.C. and 27 of the Arms Act, seek their premature release.

A counter affidavit has been filed on behalf of the respondent nos.1 to 4. The decision of the Remission Board has been



appended as Annexure A. Petitioners' case has been discussed at Serial nos.5 and 6 thereof. It appears that the petitioners' case has not been considered for pre-mature release on account of the fact that the opinion of the Presiding Judge is still wanting. It is stated in paragraph no.14 that no sooner the opinion of the Presiding Judge is received, the matter would be sent to the Remission Board for its consideration. It is also stated in paragraph nos.13 and 14 that opinion of the Superintendent of Police is also wanting, however, from Annexure A, it appears that opinion of the Superintendent of Police has been received in the cases of both the petitioners. However, if fresh report is required then that should be obtained immediately.

In the aforesaid facts and circumstances of the case, we are inclined to dispose of this application with a direction to the Presiding Officer, i.e., A.D.J. III, Nalanda to send its opinion on its own merit and in accordance with law within a period of one month from the date of receipt/production of a copy of this order. The Superintendent of Police concerned would also be required, if necessary, to send his opinion within the aforesaid period. Thereafter, the respondent authority would be required to put up the matter of the petitioners before the Remission Board to be considered in its next meeting after receipt of the opinion of the Presiding Officer, which should consider the matter of the petitioners in accordance with law.



Let a copy of this order be communicated to the Presiding Officer as well as the District & Sessions Judge, Nalanda at Biharshariff to ensure the compliance of the direction.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2017
Transmission Date	29.06.2017

