

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.818 of 2017

- =====
1. Gangeswar Kahar, Son of Ramchandra Kahar, Resident of Village- Barki Kharhari, P.S.- Karhar, District- Rohtas.
 2. Ram Narayan Chamar, Son of Late Basudeo Chamar, Resident of Village- Amarpura, P.S.- Mohaniyan, District- Kaimur (Bhabhua).
 3. Ram Dular Chamar @ Dular Chamar, Son of Murary Chamar, Resident of Village- Amarpura, P.S.- Mohaniyan, District- Kaimur (Bhabhua).
 4. Dinanath Chamar @ Dinanath Ram, son of Baban Chamar, Resident of Village- Amarpura, P.S.- Mohanian, District- Kaimur (Bhabhua).
 5. Shilanath Rai, Son of Shivpujan Rai, Resident of Village- Panchbhinda, P.S.- Taraiyan, District- Saran.
 6. Kapil Bhagat, Son of Balkishun Yadav, Resident of Village- Parasbigha, P.S.- Jehanabad, District- Jehanabad (Gaya).
 7. Umesh Chaudhary, Son of Late Bangali Chaudhary, Resident of Village- Khukhrhi, P.S.- Katri, District- Gaya.
 8. Radheshyam Chaudhary, Son of Late Ramswaroop Chaudhary, Resident of Village - Khairhin, P.S.- Dawath, District- Rohtas.
 9. Chaudhary Avinash Prasad,, Son of Late Ramjanam Chaudhary, , Resident of Village- Khairhin, P.S.- Dawath, District- Rohtas.
 10. Shri Lal Chaudhary, Son of Late Ramkeshwar Chaudhary @ Late Rameshwar Chaudhary, Resident of Village- Khairhin, P.S.- Dawath, District- Rohtas.
 11. Uday Yadav,, Son of Jhury Yadav,, Resident of Village- Kharati, P.S.- Chand, District- Kaimur (Bhabhua).
 12. Jangbahadur Singh,, Son of Late Narayan Singh,, Resident of Village- Murhi, P.S.- Chanpur, District- Kaimur, (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar at Patna.
2. The Secretary, Home Department Cum Chairman State Sentence Remission Board, Bihar, Patna.
3. The Commissioner, Home Special Government of Bihar, Patna.
4. The Inspector General (Prison) Government of Bihar, Patna.
5. The jail Superintendent, Open Jail Buxar.
6. The Jail Superintendent, kendriya kara Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, Ac to AAG3

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)



Date : 17-07-2017

Heard learned counsel for the petitioners and the State.

The petitioners, who are serving sentence of life imprisonment having been convicted under Section 302 of the Indian Penal Code by the different courts, have approached this Court by filing the present writ application for their premature release as they claim that they have completed qualifying period of incarceration for their premature release in terms of State Sentence Remission Policy, however, their respective cases were not considered for release vide Annexure-3 on the ground that the opinion of the Presiding Officer of the court concerned were wanting.

Today, learned counsel appearing for the State informs us on instruction that in the cases of the petitioners except petitioner no.10, namely, Shri Lal Chaudhary, respective opinion of the Presiding Officer has been received and their cases would be forwarded to the Bihar State Sentence Remission Board for its consideration for their premature release so that a decision is taken by it in its next meeting.

So far as the case of the petitioner no.10 is concerned, it is contended that, despite reminders, the opinion has not been received from the court of Additional



District and Sessions Judge-5, Rohtas at Sasaram.

Accordingly, we would direct the Presiding Officer concerned to send it opinion after considering the case of the petitioner no.10 on its own merit and in accordance with law expeditiously preferably within a period of four weeks from the date of receipt/production of a copy of this order.

After such opinion is received, the case of the petitioner no.10 should also be sent to the Remission Board so that his case could also be considered by it in its next meeting.

Let a copy of this order be communicated to the Presiding Officer and the District and Sessions Judge concerned so that compliance of this order is ensured within the time granted.

(Ravi Ranjan, J)

(S. Kumar, J)

vishwambhar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.07.2017
Transmission Date	20.07.2017

