

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2452 of 2017

Arising Out of PS. Case No.-180 Year-1989 Thana- SABAUR District- Bhagalpur

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Fakra Yadav @ Ramjatan Yadav, son of late Kutai Yadav @ kokai Yadav,
resident of village- Chandheri, Police Station- Sabour, District, Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna
2. The Principal Secretary, Ministry of Home, Government of Bihar, Patna
3. The State Sentence Remission Board through its Chairman, Government of Bihar, Patna
4. The Law Secretary-cum-Legal Remebrance, Department of Law, Govt. of Bihar, Patna
5. The Director General of Police, Government of Bihar, Patna
6. The Director, Probation Services, Government of Bihar, Patna
7. The Inspector General (Prison) and Jail Reforms, Governemnt of Bihar, Patna
8. The Additional Director General of Police, Criminal Investigation Department, Govt. of Bihar, Patna
9. The Jail Superintendent, Special Central Jail, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
Mr. Avinash Kumar Singh, Advocates
For the Respondent/s : Mr. Prabhu Narayan 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 : 27-11-2017



Heard learned counsel for the parties.

Through this writ application, the petitioner, who is serving life sentence in connection with Sessions Trial No.342 of 1991(R) after his conviction under Sections 149 and 302 of the Indian Penal Code, seeks direction for his premature release under the Short Sentencing Policy of the State as he claims that he has already completed the qualifying period of incarceration entitling him of such benefit.

Having regards to the aforementioned facts and circumstances, this writ application stands disposed of with a direction to the respondents to examine the matter of the petitioner and if it is found that he has completed the required period of incarceration for consideration under the Short Sentencing Policy of the State of Bihar then his case should be considered in accordance with law and the matter should be sent to the Remission Board for its consideration in accordance with law. However, if the petitioner's claim is not found tenable then a reasoned order would be required to be passed and a copy of the same should be supplied to the petitioner. The petitioner would be at liberty to assail the same before the competent forum.

It is expected that the whole exercise would be completed



by the respondent authorities within a period of three months from the date of receipt/production of a copy of this order so that the matter could be forwarded to the Bihar State Sentence Remission Board for its consideration in accordance with law in its next meeting.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2017
Transmission Date	NA

