# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Criminal Writ Jurisdiction Case No.389 of 2017**

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Tarachand Kapri @ Taranand Kapri @ Karo Kapri, son of Late Bonia Kapri, resident at and P.O. – Tofir Tamganj, P.S. Narpatganj, District Araria (Bihar)

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The State Sentence Remission Board through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Joint Secretary-cum-Director (Administration) Home Department (Prison) Govt. of Bihar, Patna.
4. The Secretary, Law Department, Govt. of Bihar, Patna.
5. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna.
6. The Inspector General, Jail and Reforms Services, Bihar, Patna.
7. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna
8. The Jail Superintendent, Central Jail, Purnea.

.... .... Respondents

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**Appearance :**
For the Petitioner : Mr. Kameshwar Prasad Singh,
Mr. Syed Md. Nazmul, Advocates
For the Respondents: Mr. Krishna Chandra, AC to AG

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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: 11-05-2017**

Heard learned counsel for the petitioner and learned counsel for the State.

This writ application has been filed for a direction to the respondents-authorities for premature release of the petitioner in view of the fact that the petitioner is serving sentence for life under Section 302/149 of the Indian Penal Code as he had been convicted by the trial court and affirmed by the Division Bench of this Court in Criminal Appeal (DB) No.145 of 1992.However, he is claiming that he has already completed more than twenty years of incarceration.

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Thus, the prayer is for consideration of the case of the petitioner for his premature release.

A counter affidavit has been filed stating therein that the matter could not be placed before the Bihar State Sentence Remission Board in view of the fact that the opinions of the Presiding Judge i.e. Additional District & Sessions Judge-V, Purnea as well as Superintendent of Police, Araria are still awaited.

Accordingly, the Presiding Judge i.e. Additional District & Sessions Judge-V, Purnea as well as the Superintendent of Police, Araria are directed to send their respective opinions on its own merit and in accordance with law expeditiously preferably within a period of one month from today. After receiving such opinions from the aforesaid officials, the respondents-authorities would place the case of the petitioner for consideration before the Bihar State Sentence Remission Board, Bihar, Patna in its next meeting.

This disposes of the writ application.

Let a copy of this judgment be sent to the Presiding Judge i.e. Additional District & Sessions Judge-V, Purnea as well as Superintendent of Police, Araria forthwith.

**(Dr. Ravi Ranjan, J)**

B.T/-

**(Vikash Jain, J)**

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