

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1135 of 2017

Arising Out of PS. Case No.-55 Year-1997 Thana- CHHATAPUR District- Supaul

Bal Kumar Bhagat, son of Bijendra Prasad Bhagat, resident of village-
Tamua, P.S. Chatapur, District, Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna
2. The Principal Secretary-cum-Commissioner, Department of Home, Government of Bihar, Patna-cum-Chairman, Remission Board, Patna
3. The Secretary, Department of Law, Government of Bihar, Patna
4. The Director General of Police, Govt. of Bihar, Patna
5. The Inspector General of Police, Koshi Division, Saharsa
6. The Inspector General (Jail and Reforms Service), Government of Bihar, Patna-cum-Member, Remission Board, Patna
7. The Deputy Inspector General (Jail and Reforms Service), Government of Bihar, Patna
8. The Director, Probation Service, Government of Bihar, Patna
9. The Bihar State Sentence Remission Board, Patna through its Chairman
10. The District Magistrate, Supaul, District, Supaul
11. The Superintendent of Police, Supaul
12. The Superintendent of Divisional Jail, Supaul, P.S. + District, Supaul
13. The Probation Officer, Home (Jail) Department of Home, Supaul
14. The S.H.O. Chhatapur Police Station, District, Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, ADvocate
For the Respondent/s : A.C. to A.G.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 07-08-2017

No affidavit has been filed till date in compliance
of the order dated 21.07.2017 by the concerned judicial
officer.

Now he will have to file two affidavits. One as



per the earlier direction of this court as contained in the order dated 21.07.2017 and another to explain as to why he has not complied the direction of this Court within the stipulated time.

Heard parties.

This writ application has been filed by the petitioner for his premature release as he has already completed more than 14 years of actual custody and more than 20 years with earned remission.

It is contended that though the presiding officer has also given his report but not in favour of the petitioner.

Be that as it may, since learned counsel for the State has submitted that, as per the direction of this Court given on earlier occasions, since the report of the presiding officer has been received, his case would be considered in the next meeting by the Bihar State Sentence Remission Board, this writ application stands disposed of with the aforesaid direction.

However, so far relief no.(B) is concerned, since the Bihar State Sentence Remission Board has still to consider the matter on its own merit and in accordance with law, the writ application is premature so far as the aforesaid relief is concerned.



However, the petitioner would be at liberty to assail the final order if the issue is decided against him on the basis of the opinion given by the presiding officer.

Put up this matter on 23.08.2017 under the heading “for Orders” only for consideration of the show cause filed by the concerned judicial officer.

Let this order be immediately communicated to him in the form of E Mail/Facsimile Message.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2017
Transmission Date	16.08.2017

