

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2130 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- KATIHAR

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Chandra Kant Kumar S/o Sri Tribhuwan Sharma, R/o Village- Ahiyapur Chotaki,
P.S.- Arwal, District- Arwal, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Chief Secretary, Government of Bihar, Old Secretariate, Patna, Bihar.
2. The Principal Secretary, Department 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 remembrance, Department of Law, Government 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, Government of Bihar, Patna.
8. The Additional Director General of Police, Criminal Investigation Department, Government of Bihar, Patna.
9. The Superintendent, Gaya Central Jail, Gaya, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamal Nayan Chaubey, Sr. Advocate
: Mr. Bhairaw Nand Sharma, Advocate
: Mr. Binod Kumar Jha, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

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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: 22-11-2017

Heard parties.

Petitioner is aggrieved by the decision of the Bihar
State Sentence Remission Board so far as it concerned with respect to
his father who is serving life sentence in view of his conviction under



Section 302 of the IPC and other provisions of Tada Act in the year 2003 in connection with Arwal P.S. Case No. 193 of 1998 registered on 04.08.2003.

The question involved in this case would be as to whether the policy of the State vide notification no. 3106 dated 10.12.2002 would be applicable in the case of the petitioner's father as it is contended that the policy, though published in the Official Gazette of the State of Bihar in year 2002 was not implemented till the year 2007 when first time Bihar State Sentence Remission Board was constituted. Thus it is urged, that in practical sense there was no implementation of the concerned policy of the State.

However, in view of the statement made in paragraph No. 13 of the counter affidavit filed on behalf of respondent Nos. 2,3,7 and 9 today making a categorical statement that in view of the issues involved in this matter the proposal for fresh consideration of petitioner's father premature release would be put up before the Remission Board in its next meeting so that the same once again be considered by the Remission Board in accordance with law in the light of various decisions of this Court, this writ application stands disposed of with a direction to the authorities once again to put up the matter of the petitioner's father for fresh consideration by the Remission Board in its next meeting which would take a decision in



accordance with law without being prejudiced by its earlier decision.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

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Transmission Date	

