

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.560 of 2017

=====

Raghunath Sahani, Son of Sukhdeo Sahani, Resident of Village - Malpur, P.S.
Dalsingsarai, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Sentence Remission Board through the Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Joint Secretary-cum-Director (Administration), Home Department (Prison), Bihar, Patna.
4. The Secretary, Law Department, Government 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, Khudi Ram Bose Central Jail, Muzaffarpur.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Vijay Kumar Singh,
Mr. Santosh Kumar, Advocates
For the Respondents : Mr. Krishna Chandra, AC to AG

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 19-05-2017

Heard learned counsel for the petitioner and the State.

This writ application has been filed for quashing the decision taken by the Bihar State Sentence Remission Board on 08.07.2016, as contained in Annexure-5 so far it concerns the petitioner, by which claim of the petitioner for his premature release was rejected on the ground that he is the convict for the offence of murder during course of commission of dacoity though the petitioner has completed more than 22 years of incarceration with remission and more than 19 years of actual incarceration.

On earlier occasion, time was granted to the State



counsel for seeking instructions and filing counter affidavit. Though counter affidavit has not been filed but learned counsel for the State submits on instructions that such order was passed in view of the earlier notification. However, the same has now been amended and therefore fresh proposal for consideration of the petitioner’s case for premature release is being sent to the Bihar State Sentence Remission Board.

On such assurance given by learned counsel for the State, this writ application stands disposed of with a direction to the respondents-authorities to prepare and send the proposal with respect to the petitioner to the Bihar State Sentence Remission Board so that it would be considered in its next meeting. It is made clear that, in the above facts and circumstances, the petitioner’s case should not be rejected on the ground that there is already rejection order on earlier occasion and fresh notification as well as decisions of this Court covering the field should be considered by the Remission Board while taking such decision.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)
(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.05.2017
Transmission Date	25.05.2017

