

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1045 of 2017

- =====
1. Jamuna Prasad Gupta @ Jamuna Sah
 2. Raj Kumar Sah
- Both sons of Late Panchu Sah resident of village - Kirtaniya, P.S.
Pirpainti, District - Bhagalpur.

... .. Petitioners

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, Crime 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, Shahid Jubba Sahni, Central Jail, Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate Mrs. Nutan Kumari Sharma, Advocate
For the Respondent/s	:	Mr. Anil Kumar, AC to SC-8

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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 : 26-07-2017

Heard parties.

This writ application has been filed for a direction to the



respondent authorities for premature release of the petitioners on the ground that they have already completed more than 22 years of sentence with remission and more than 16 years of actual incarceration.

So far as the petitioner no.2 is concerned, it was initially stated on behalf of the State that his case would be sent to the State Sentence Remission Board so that the same be considered by it in its next meeting.

So far as the petitioner no.1 is concerned, it is stated in the counter affidavit appending a decision of the Sentence Remission Board that his case has been rejected in view of adverse report given by the Presiding Officer of the concerned court. However, in view of the fact that the petitioner no.1 is suffering from Kidney disease and there are certain notifications/policy decisions of the State Government for special consideration in this regard (Annexure-2 to the Interlocutory application), learned counsel for the State, on instruction, submits that his case would also be put up once again before the State Sentence Remission Board for fresh consideration in view thereof.

Accordingly, this writ application stands disposed of with a direction to the State authorities to put up the cases of petitioner



nos.1 and 2 before the Sentence Remission Board so that their cases could be considered by it in its next meeting in accordance with law.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	02.08.2017
Transmission Date	N.A.

