

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.2116 of 2017**

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

Nanhaki Mian

.... .... Petitioner/s

Versus

The State of Bihar Through Its Home Secretary & Ors

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

ORAL JUDGMENT

**(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)**

**Date: 06-11-2017**

Heard the parties.

Petitioner was convicted under Section 302 of I.P.C. as well as under Section 27 of the Arms Act and for his conviction under Section 302 of I.P.C. he has been sentenced to undergo rigorous imprisonment for life

It is contended that petitioner has already completed the qualifying period of incarceration and his case is fit for consideration for pre-mature release under the said sentence policy of the State of Bihar. However, his own averment made in paragraph No. 2 (iv) is that petitioner has undergone a total period of incarceration of 15 years, 1 months and 16 days only in place of 20 years.

It is contended by learned counsel for the State that the



petitioner is not entitled for premature release. It is further stated on behalf of the State that petitioner was out of jail for medical treatment from where he escaped on 04.05.2012 and he was brought on 18.09.2012.

Be that as it may, this writ application stands disposed of with a direction to the authority that to calculate the period of incarceration of the petitioner and whenever he completes the qualifying period, his case should be considered in accordance with law for pre-mature release.

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

**(S. Kumar, J)**

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