

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1482 of 2017
Arising out of P.S. Case No.-26 Year-1977 Thana- SAHARSA
District- Saharsa

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Rajnandan Yadav, Son of Late Asarfi Yadav, resident of Village-
Bharouli Dhagjari, P.O.- Bharouli, P.S.- Sonbarsa Kachachari,
District- Saharsa. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
 2. The Inspector General (Prison), Bihar, Patna.
 3. The Jail Superintendent, Saharsa. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
: Mr. Prafull Chandra Thakur, Adv.
For the State : Mr. P.N. Sharma, APP.

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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 : 29-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner claims that despite completing qualifying period of incarceration, the respondent authorities have not considered his case for premature release in view of Sections 433A and 432 of Cr.P.C. and the relevant Sentence Remission Policy of the State of Bihar against conviction and sentence for life imprisonment in connection with S.Tr. No. 133/86 arising out of Saharsa P.S. Case No. 26/77 vide judgment dated 01.08.1998 passed by the 1st Additional Sessions Judge, Saharsa.



Though, no counter affidavit has been filed, however, this Court would be inclined to dispose of this writ petition without waiting for the same by directing the respondent authorities to consider the case of the petitioner in accordance with law. If it is found that he has completed the qualifying period of incarceration then a decision should be taken by the respondent authorities to send the proposal to the Sentence Remission Board expeditiously preferably within a period of two months so that it could be considered by the Board in its next meeting. If the petitioner's claim is not found tenable then a reasoned order would be required to be passed by the respondent authorities which should be communicated to the petitioner within the aforesaid period.

This writ petition stands disposed of with the aforesaid directions and observations.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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