

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.563 of 2017

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Ram Babu Singh, Son of Laxman Singh, Resident of Village - Kharaiya Pokhra,
P.S. Shahpur, District- Gorakhpur (U.P.).

.... 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, Special Central Jail, Bhagalpur.

.... Respondents

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Appearance :

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

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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 (for short “the Remission Board”) on 08.07.2016 so far as it relates to the petitioner whereby the claim of the petitioner for pre-mature release has been rejected on the ground that he is the convict of murder of a child of ten months.

A counter affidavit has been filed on behalf of the State that such stand has been taken by the Remission Board in view of the amended Bihar Prison Manual, 2012. However, in the light of the



directions and guidelines issued by this Court directing the Remission Board to consider the proposal for pre-mature release of the convicts on the basis of the remission policy existing on the date of conviction, a fresh proposal for release of the petitioner is being placed before the Remission Board for its consideration. It is stated in paragraph 8 of the counter affidavit that such proposal would be placed before the Remission Board in its next meeting.

In such view of the matter, this writ application is being disposed of, as there is fresh proposal for pre-mature release of the petitioner in view of different directions and judgments of this Court which cover the field including Annexure-8, with direction to the respondents-authorities to place the matter before the Remission Board in its next meeting. The Remission Board shall also be required to consider the matter without being prejudiced by its earlier decision and after considering the existing remission policy as well as the judicial pronouncements covering the field.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

B.T/-

(Vikash Jain, J)

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