

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1005 of 2018

Arising Out of PS. Case No.-33 Year-1982 Thana- BODHGAYA District- Gaya

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1. Md. Asgar Ali Khan @ Asgar Khan, Son of Late Salar Ahmed Khan,
 2. Asgar Khan, son of Late Mashuk Ali Khan
- Both residents of Village- More Mardana, P.S. Magadh University, Bodh Gaya, District- Gaya. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home, Old Secretariat, Patna.
2. The Law Secretary, Department of Law, Old Secretariat, Patna.
3. The Inspector General of Prison and Reform, Old Secretariat, Patna.
4. The Superintendent of Gaya Central Jail, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee, Advocate
For the Respondent/s : Ms. Prachi Pallavi, AC to AG.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 04-04-2018

Heard learned counsel for the petitioners and the State.

Through this writ application, the petitioners, who are serving life sentence in connection with Sessions Trial No. 62 of 1993/591 of 1986 arising out of Bodh Gaya P.S. Case No. 33/1982 after their conviction under Section 396 of the Indian Penal Code, seek direction for their premature release under the Short Sentencing Policy of the State as they claim that they have already completed 14 years of actual period of incarceration and 20 years with remission.

Having regards to the aforementioned facts and circumstances, this writ application stands disposed of with a direction to the



respondents to examine the matter of the petitioners and if it is found that they have completed the required period of incarceration for consideration under the Short Sentencing Policy of the State of Bihar then their case should be considered in accordance with law and the matter should be sent to the Remission Board for its consideration in accordance with law. However, if the petitioners' claim is not found tenable then a reasoned order would be required to be passed and a copy of the same should be supplied to the petitioners. The petitioners would be at liberty to assail the same before the competent forum.

It is expected that the whole exercise would be completed by the respondent authorities within a period of three weeks from the date of receipt/production of a copy of this order so that the matter could be forwarded to the Bihar State Sentence Remission Board for its consideration in accordance with law in its next meeting.

(Dr. Ravi Ranjan, J)

(Prakash Chandra Jaiswal, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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