

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.818 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

=====

Bharat Yadav, S/o Late Saryug Yadav, R/o Village- Dome, P.S.- Kewati, District-
Darbhanga. 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 Reforms Services, Bihar, Patna.
8. The Jail Superintendent Khudi Ram Bose Central Jail, Muzaffarpur.

.... Respondents.

=====

Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Advocate.

For the Respondents : Mr. P.N. Sharma, 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: 30-03-2018

This writ application has been filed by the petitioner for his premature release, who has been convicted for life under Section 396 of the Indian Penal Code, in terms of the Short Sentencing Policy of the State, on assumption that he has already completed 14 years of actual imprisonment and about 21 years with remission. Thus, he is entitled for his consideration of premature release.

A counter affidavit has been filed today on behalf of the respondents that a proposal for the petitioner's consideration



was initiated but it was not in accordance with certain provisions, therefore, the competent authority has directed the Jail Superintendent to send another recommendation.

Be that as it may, in our view, if the petitioner is entitled for consideration of his premature release after completion of 14 years actual imprisonment and about 21 years of imprisonment with remission, necessary steps has to be taken by the respondent authorities so that his matter could be considered by the State Sentence Remission Board in its next meeting in accordance with law.

With the aforesaid observation and direction, this writ application stands disposed of.

(Dr. Ravi Ranjan, J.)

(Prakash Chandra Jaiswal, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.18
Transmission Date	03.0418

