

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2805 of 2017

Arising out of P.S. Case No.- Year- Thana- District- Saran

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Om Prakash Singh, Son of Bikrama Singh, Resident of Village-
Bisnupura, P.S. Chapra Muffasil, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Home Secretary, Patna
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Inspector General, Prison, Bihar, Patna
4. The State sentence Remission Board, Through its Chairaman,
Bihar, Patna
5. The Jail Superintendent, Divisional Jail, Chapra
6. The Superintending of Police, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Advocate.

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

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and

HONOURABLE JUSTICE SMT. ANJANA
MISHRA

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 03-01-2018

Heard learned counsel for the petitioner and the

State.

Through this writ application, the petitioner, who is

serving the life sentence vide judgment of conviction dated

30.07.1999 and order of sentence dated 05.08.1999 passed by

8th Additional Sessions Judge, Saran at Chapra in Sessions Trial



No. 169/1996 under Section 364 A of the Indian Penal Code, seeks his premature release as he claims that he has already completed the qualifying period of incarceration entitling him of such benefit.

It is contended that the petitioner has spent more than 20 years of custody and has also earned remission of 1820 days and, as such, he has already spent sufficient incarceration to qualify him for consideration of his premature release.

Having regards to the aforementioned facts and circumstances, this writ application is being disposed of with a direction to the respondent authorities to examine the matter of the petitioner and if it is found that he has completed the required period of incarceration for consideration under the Short Sentencing Policy of the State of Bihar then his 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.

It is expected that the whole exercise would be completed by the respondent authorities within a period of two months 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 as the petitioner has already stated in paragraph 7 of the writ application that the Presiding Officer has already given his opinion in his favour.

(Dr. Ravi Ranjan, J)

(Anjana Mishra, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.01.2018
Transmission Date	NA

