

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1037 of 2018

Arising Out of PS. Case No.-112 Year-2000 Thana- UDWANTNAGAR District- Bhojpur

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Anand Kumar Swarnkar, son of Brij Bihari Swarnkar, resident of village
Gajraj Ganj, P.S. Udawant Nagar, District Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar,
Patna
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna
3. The Inspector General of Prison, Govt. of Bihar, Patna
4. The District Magistrate, Bhojpur, Ara
5. The District Magistrate, Buxar
6. The Superintendent of Police, Bhojpur at Ara
7. The Superintend of Police, Buxar
8. The Jail Superintend Special Central Jail, Bhagalpur
9. The Jail Superintend, Central Jail, Buxar,
10. The Jail Superintend, Mukht Karagar, Buxar
11. The Probation Officer, District Probation on Office, Home Jail
Department, Bhojpur at Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay
For the Respondent/s : Mr. P.N.Sharma, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 06-04-2018

Heard learned counsel for the parties.

Through this writ application, the petitioner, who is
serving life sentence in connection with S.T. No. 165 of 2001
(arising out of Udwant Nagar P.S. Case No. 112/2000) after his
conviction under Sections 302 and 307/34 of the Indian Penal



Code, seeks direction for his premature release under the Short Sentencing Policy of the State as he claims that he has already completed the qualifying period of incarceration entitling him of such benefit.

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 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. However, if the petitioner's 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 petitioner. The petitioner 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 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.

(Dr. Ravi Ranjan, J)

(Prakash Chandra Jaiswal, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.04.2018
Transmission Date	NA

