

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2465 of 2018

Arising Out of PS. Case No.-154 Year-1998 Thana- AMNAUR District- Saran

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Rama Shankar Singh Son of Late Bhagwan Singh, resident of village-
Sirsabali, P.S. Bheldi, District Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar at
Patna
2. The Secretary, Home Department cum Chairman State Sentence Remission
Board, Bihar, Patna
3. The Commissioner, Home Special Government of Bihar, Patna
4. The Inspector General (Prison) Government of Bihar, Patna
5. The Jail Superintendent, Saran at Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the Respondent/s : Mr. Ajay Kumar Sharma, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 04-10-2018

Heard learned counsel for the petitioner and the State.

This writ application has been filed for direction to the respondents to prematurely release the writ petitioner, who is serving life sentence after having been convicted under Section 302/34 of the Indian Penal Code vide judgment dated 29.9.2000 and sentenced to undergo life imprisonment by order dated 30.9.2000 passed by the 4th Additional Sessions Judge, Saran at Chapra in Sessions Trial No. 227 of 1999 arising out of Amnour



(Bheldi) P.S. Case No. 154 of 1998, on the ground that he has already completed 14 years of actual incarceration and more than 20 years with remission.

It is contended that though the Jail Superintendent concerned had calculated, as per Annexure 3, that the petitioner's twenty years incarceration with remission would be completed by 13.5.2018 still the Bihar State Sentence Remission Board has rejected the prayer on the ground that twenty years with remission has not been completed and after completion of such period his case would be considered.

Accordingly, this writ application is being disposed of with the direction to the authorities to refer the matter for consideration of the petitioner's case for premature release by the Bihar State Sentence Remission Board so that the same should be considered in its next meeting after receipt / production of a copy of this order before the Jail Superintendent, Divisional Jail, Chapra. The Remission Board would be obliged to take a decision on its own merit and in accordance with law.

However, it is made clear that if it is still the view of the authorities that petitioner's period of incarceration to qualify for such consideration has not been completed, then in such case a reasoned order would be required to be passed by the concerned



along with the calculation of the period of incarceration and that
should be communicated to the writ petitioner.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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