

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1148 of 2018

Arising Out of PS. Case No.-93 Year-1985 Thana- HULASGANJ District- Jehanabad

Ram Binay Sharma, son of Bhagwat Singh, resident of village, Khudauri,
Police Station, Hulasganj and District, Jehanabd

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Ministry Of Home,
Government Of Bihar, Patna
2. Inspector General (Prison), Home Department, Government of Bihar,
Patna
3. The State Sentence Remission Board through its Chairman,
Department of Home, Patna
4. The Jail Superintendent, Central Jail, Gaya
5. Union of India, through the Home Secretary, Government of India,
New Delhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No-2 Mr. Gajendra Kumar Singh, Advocates
For Union of India	:	Ms. Nivedita Nirvikar, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, A.C. to A.G.

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

Date : 18-04-2018

Heard learned counsel for the parties.

Through this writ application, the petitioner, who is
serving life sentence in connection with Sessions Trial Nos.92 of
1986 /388 of 1986 arising out of Ghoshi (Hulasganj) P.S. Case



No. 93 of 1985 after his conviction under Sections 302/149 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2018
Transmission Date	NA

