

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1979 of 2018

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

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Harendra Rai son of Yogendra Rai, resident of Village- Taradhaaun, P.S. Patori,
District- Samastipur.

.... Petitioner/s

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 and Reform Services, Bihar, Patna.
8. The Jail Superintendent, Khudi Ram Bose Central Jail, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr. Singh, Advocate

For the Respondent/s : Mr. S.K. Sharma, AC to AAG 3

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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: 06-09-2018

Heard learned counsel for the parties.

Through this writ application, the petitioner, who is serving life sentence in connection with Sessions Trial No. 21 of 1992 after his conviction under Section 302 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)

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

