

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1877 of 2017

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

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1. Md. Hashmat @ Md. Hashmad,
2. Md. Aslam, Both Sons of Md. Abdul Samad, resident of Village- Bhada, Post
Office- Barsam, Police Station- Saur Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar at Patna.
2. Inspector General of Police Jail (Prison), Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf

For the Respondent/s : Mr. Partha Sarthy, G.A.4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 27-04-2018

Heard learned counsel for the petitioner and
learned counsel representing the State.

Petitioner has moved this court seeking a direction
to the respondents to take appropriate steps with regard to
release of the petitioner from the prison. He claims to have
served more than 14 years in imprisonment as per the
provisions of Section 432 of the Code of Criminal Procedure
and in terms of the remission policy of the State, he has become
entitled for consideration of his case for release.

Referring to Annexure-4 to the writ application,
learned counsel for the petitioner has pointed out that on earlier
occasion the matter relating to release of this petitioner was
taken up for consideration but it is not known as to why his



case has not been considered despite having completed the mandatory period of 14 years and with remission a period of more than 20 years in custody. Annexure-3 shows that the actual period of custody as on 04.09.2012 has been shown as sixteen years two months and ten days.

Learned counsel for the State submits that presently he has no instruction, however keeping in mind the grievance of the petitioner instead of keeping this matter pending before this court, it may be disposed of with a direction to the I.G. Prison/Remission Board, Bihar, Patna to look into the matter, consider the grievance of the petitioner and take an appropriate decision in accordance with law, norms and the guidelines provided on the subject.

Considering the nature of the grievance of the petitioner and what transpired at the bar, I think it just and proper to direct the I.G. Prison, Bihar, Patna to take up this matter for consideration as prima facie the petitioner has been able to show that he has completed the mandatory period of 14 years in jail and according to the submission of learned counsel it is not a case of multiple murder. If it is so, the I.G. Prison/Remission Board, Bihar Patna should look into the matter and take a decision in accordance with law within a



period of one month from the date of receipt/production of a copy of this order, as the case may be.

This writ application is disposed off, accordingly.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
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