

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.724 of 2018

Arising Out of PS. Case No.-121 Year-1984 Thana- DARIYAPUR District- Saran

1. Balram Pandey, son of late Janki Pandey,
 2. Nagendra Pandey, son of late Krit Pandey,
- Both residents of village, Mastichak, P.S. Dariyapur, District, Chapra
at 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, Open Jail, Buxer

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the Respondent/s : Mr. P. N. 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 : 05-03-2018

The defect no.14(i) is ignored in view of the fact that defect appears to be in the letter dated 23.01.2017 of the Presiding Officer as wrong trial number has been stated there.

Heard learned counsel for the parties.



Through this writ application, the petitioners, who are serving life sentence in connection with Sessions Trial Nos.53 of 1986/159 of 1986 arising out of Saran (Dariyapur) P.S. Case No. 121 of 1984 after their conviction under Sections 302 and 34 of the Indian Penal Code, seek direction for their premature release under the Short Sentencing Policy of the State as they claim that they have already completed more than 15 years of actual imprisonment and more than 20 years with remission.

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 petitioners and if it is found that they have completed the required period of incarceration for consideration under the Short Sentencing Policy of the State of Bihar then their 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 petitioners' claims are not found tenable then a reasoned order would be required to be passed and a copy of the same should be supplied to the petitioners.

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 thereafter.

(Dr. Ravi Ranjan, J)

(Prakash Chandra Jaiswal, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2018
Transmission Date	NA

