

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.853 of 2018

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Shyamdeo Yadav @ Shyamdev Prasad, son of Late Chalitra Yadav @ Late Charitra Yadav, resident of village Chiraiyantar, P.S. Dhanarua, District Patna.

.... Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Home Department Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Prison, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Superintendent, Central Jail, Bhagalpur, District Bhagalpur.
7. The Deputy Superintendent of Police, Masaurhi at Patna.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate.

For the Respondent/s : Mr. P.N. Sharma, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

02 21-03-2018

This writ application has been filed by the petitioner, who has been convicted under Sections 302 and 148 of the Indian Penal Code and Section 27 of the Arms Act and has been ordered to undergo rigorous imprisonment for life, for his premature release in terms of the Short Sentencing Policy of the State on assumption that he has completed more than 14 years of physical imprisonment.

Today, a counter affidavit has been filed on behalf of the State and a statement has been made in para-6 that though petitioner has completed 14 years 05 months and 07 days of actual



imprisonment but has completed 18 years 11 months and 26 days only along with remission. As per rule unless he completes 20 years of remission his case cannot be considered for premature release in terms of Short Sentencing Policy of the State.

Accordingly, this writ application stands disposed of with a direction to the State authorities that no sooner the petitioner completes 20 years of custody along with remission his case should be considered immediately in accordance with law for his release in terms of Short Sentencing Policy of the State.

(Dr. Ravi Ranjan, J.)

(Prakash Chandra Jaiswal, J.)

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