

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.960 of 2019

Arising Out of PS. Case No.-93 Year-1994 Thana- TEKARI District- Gaya

CHINTU KUMAR Son of Satyendra Sharma @ Totan Sharma, Resident of
Village - Bhor, P.S.- Tekari, Distt.- Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Lalit Kishore (A.G)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-06-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The averments contained in paragraph Nos.5 and 6
are as follows:

“5. That the father of the petitioner is
completed his 13 years of custody without remission.
The details of which is that prior to conviction and
acquittal from the Hon’ble High Court he was
remains in custody for five years and 10 months and
thereafter after restoration of conviction by the



Hon'ble Supreme Court the father of the petitioner has surrendered in the court on 29.08.2011 and since then his is judicial custody, therefore his entire period of custody is more than 13 years.

6. That the father of the petitioner physically remained in custody without remission more than 13 years and with remission more than 17 years.”

According to the policy of the Government which is sought to be invoked for a premature release does not entitle the petitioner to move this application at this stage without completing the years of incarceration as provided for in the policy applicable which is the year 1994.

Accordingly, this petition is consigned to records without prejudice to the rights of the petitioner to approach the appropriate forum in accordance with the said policy.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

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