

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1008 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Siwan

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Parma Kurmi @ Parma Patel, Son of Late Bir Bahadur Kurmi, Resident of
Village - Narahan, P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Prison, Bihar, Patna.
4. The Inspector General of Jail (Prisoner), Bihar, Patna.
5. The Superintendent of Police, Siwan.
6. The Jail Superintendent Special Central Jail, Buxar.
7. The Jail Superintendent, Special Central Jail, Bhagalpur
8. The Prison Officer, Special Central Jail, Buxar
9. The Prison Officer, Special Central Jail, Bhagalpur
10. The Superintendent Mandal Kara, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

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

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

(Per: HONOURABLE THE CHIEF JUSTICE)

4 29-07-2019 Heard learned counsel for the petitioner and the

learned Counsel for the State.

A supplementary counter affidavit has been filed by
one Mr. Vijay Kumar Arora, Superintendent, Central Jail, Buxar
on behalf of respondent nos. 1, 3, 6 and 7.



The matter relates to a prayer for premature release by the petitioner on the ground that he fulfills the requisites for being released on a premature basis keeping in view the nature of the policy applicable as on the date when the petitioner had suffered the conviction.

The affidavit in paragraph-6 states that one Bir Bahadur Kurmi, who is the father of the petitioner, was recommended for premature release by the Remission Board way back on 24th October, 2011, but the claim of the petitioner could not be considered due to lack of police report.

On the previous occasion when the affidavit had been filed, the respondents had indicated that the claim of the petitioner had been rejected, nonetheless, according to the policy, the same can be reconsidered after a certain lapse of time which period has already expired. Learned counsel for the State submits that the case of the applicant shall now be considered afresh by the Remission Board in the next meeting.

We, accordingly, dispose of this writ petition with a direction that the case of the petitioner shall be considered in accordance with law applying the policy applicable to the controversy in the next meeting and the same shall be intimated to the petitioner accordingly. It will be open to the petitioner to



substantiate his claim with any judicial pronouncement in the matter.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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