

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1198 of 2019

Arising out of PS. Case No.- Year-0 Thana- District- Purnia

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1. RAJENDRA KAPRI, aged about 60 years, (Male), Son of Late Bonai Kapri @ Late Bhagwan Das Resident of Village - Taufir Tola, Koskapur, P.S.- Narpatganj, Distt - Araria.
 2. Suresh Kapri, aged about 56 years (Male), Son of Late Bonai Kapri @ Late Bhagwan Das Resident of Village - Taufir Tola, Koskapur, P.S.- Narpatganj, Distt - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Govt. of Bihar, Patna
2. The State Sentence Remission Board, through the Principal secretary, Home Department, Govt. of Bihar, Patna.
3. The Joint Secretary-cum-Director (Administrator) Home Department, Government of Bihar, Patna.
4. The Secretary, Law Department, Government of Bihar, Patna.
5. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna.
6. The Jail Superintendent, Central Jail, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kameshwar Prasad Singh, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 16-09-2019 Heard learned counsel for the petitioners and perused the counter affidavit filed on behalf of the State.

Paragraphs 7 and 8 of the counter affidavit in respect of the first petitioner is extracted hereinunder:-

“7. That the petitioner no. 01 namely
Rajendra Kapri has completed the mandatory



period of actual custody of 14 years and 20 years with remission for the consideration by the Remission Board.

8. That the proposal for pre-mature release of the petitioner Rajendra Kapri has been received in the department and it will be put up before the Remission Board in its next meeting for consideration.”

In view of the aforesaid facts stated in the counter affidavit, let the Remission Board consider the claim of the Petitioner No. 1 and pass an appropriate order in accordance with law.

So far as the Petitioner No. 2 is concerned, the following statement has been made in Paragraph 10 of the counter affidavit, which has not been disputed :-

“10. That so far as the petitioner no. 02 Suresh Kapri is concerned, he has completed the mandatory actual custody of 14 years but has not completed the custody with remission of 20 years. The petitioner no. 2 Suresh Kapri has completed only 19 years 03 months and 24 days as on 03.09.2019 with remission which is much less than 20 years.”

In view of this, the case of the Petitioner No. 2 is



absolutely premature and therefore the same is consigned to records.

The writ petition stands disposed of with the said direction/observation.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

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