

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.106 of 2019

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

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Madan Rai, son of Yaduvanshi Rai, Resident of Village- Jiwarpur, P.S.
Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Sentence Remission Board through the Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Joint Secretary-cum- Director (Administration), Home Department (Prison), 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 Inspector General, Jail and Reforms Services, Bihar, Patna.
7. The Assistant Inspector General, Jail and Reform Services, Bihar, Patna.
8. The Jail Superintendent, Khudi Ram Bose Central Jail, Muzaffarpur.
9. The Jail Superintendent, Special Central Jail, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
Mr. Vijay Kumar Singh, Advocate

For the Respondent/s : Mr. Prabhu Narayan 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)

3 21-02-2019 Heard learned counsel for the petitioner and the

learned counsel for the State of Bihar.

The prayer is for premature release after having

suffered the incarceration period in accordance with the current



policy of remission. The petitioner was convicted vide judgement and order dated 30.11.1985 passed in Sessions Trial No.61 of 1980 read with 46 of 1980 by the 2nd Additional Sessions Judge, Samastipur. In paragraph-8 of the counter affidavit, the total actual custody of the petitioner as on 13th January, 2019 is stated to be 19 years 11 months and 10 days.

In the said background, learned counsel for the petitioner submits that as on date, the petitioner has completed 20 years of incarceration and therefore, his claim can be considered with regard to which the counter affidavit in paragraph 9 states as under:-

“9. That the Superintendent, Special Central Jail, Bhagalpur as requested the S.P. Samastipur, Probation Officer, Samastipur and Presiding Officer of the convicting court to give their opinions regarding the premature release of the petitioner vide letter no.196 dated 10.01.2019, 197 dated 10.01.2019 and 198 dated 10.01.2019 as it is mandatory to call for these reports for the consideration of the Remission Board.”

Accordingly, this petition is disposed of with liberty to the respondent No.2 to proceed to consider the claim of the petitioner for remission in accordance with law as expeditiously as possible and pass an appropriate order within three months



from the date of receipt of a certified copy of this order.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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