

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.92 of 2020

Arising out of PS. Case No.-4 Year-2004 Thana- NAUHATTA District- Rohtas

=====

UMESH LOHAR @ UMESH MISTRY, Son of Late Sita Ram Lohar,
Resident of Village-Parta, P.S-Haidar, Nagar, District-Palamu (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Home Department-cum-Chairman, State Sentence Remission Board, Bihar, Patna.
3. The Commissioner, Home Special, Govt. of Bihar, Patna.
4. The Inspector General (Prison), Govt. of Bihar, Patna.
5. The Jail Superintendent, Open Jail, Buxar.
6. The Jailor, Open Jail, Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 27-01-2020 The petition filed on 25.01.2020 is listed for hearing
for the first time today before the Court.

Petitioner has prayed for the following relief:



“For issuance of an appropriate writ/order/direction upon the Respondents to send the case of petitioner to State Sentence Remission Board to consider the case of petitioner for premature release in session trial No. 322 of 2004 arising out of Nauhatta P.S. Case No. 4/2004 under Section 302 I.P.C. and Section 27 of Arms Act by which the petitioner has been convicted under Section 302 of the I.P.C. and Section 27 of the Arms Act and has been sentenced to undergo rigorous imprisonment for life under Section 302 of I.P.C. and to undergo further rigorous imprisonment for five years under Section 27 of the Arms Act by order dated 08.06.2005 and sentence dated 10.06.2005. Both the sentences to run concurrently.”

Finding the Court not to be in favour of the submissions made by the learned counsel, more so, with regard to maintainability of the present petition, in the nature of *habeas corpus*, for detention of the petitioner is pursuant to a valid judicial order, learned counsel seeks permission to withdraw the present petition reserving liberty to approach the appropriate authorities venting out his grievances in accordance with law.

Shri Prabhu Narayan Sharma, learned counsel for the State, states that as and when any such request, including one for remission, is made to the authorities, the same shall be considered and decided with reasonable dispatch, positively



within a period of two months thereafter.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

P.K.P./-Sushma

U		T	
---	--	---	--

