

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.281 of 2022

Arising Out of PS. Case No.-25 Year-1998 Thana- NAWADAH GRP CASE District- Nawada

Surendra Singh Son of Bhagirath Singh Resident of Village- Kurkihar, P.S.-
Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Its Chief Secretary, Govt. Of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Deptt. Home, Govt. of Bihar, Old Secretariat, Patna. Patna.
3. The State Sentence Remission Board, through, its Secretary i.e. Inspector General, Prison and Correctional Services, Govt. of Bihar, Old Secretariat, Patna.
4. The Law Secretary, Legal Remembrancer, Deptt. of Law, Govt. of Bihar, Patna. Bihar, Patna.
5. The Director, Probation Services, Govt. of Bihar, Patna. Bihar, Patna.
6. The Director General of Police, Bihar, Sardar Patel Bhawan, Bailey Road, Patna. Patna.
7. The Inspector General, Prison and Jail Reforms, Govt. of Bihar, Patna, Old Secretariat. Bihar
8. The Jail Superintendent, Special Central Jail, Bhagalpur. Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shantanu Kumar, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-12-2022 Heard learned counsel for the petitioner and Mr. Prabhu Narayan Sharma, learned AC to AG for the State.

Petitioner in the present case is seeking a direction to the respondents to consider his case for pre-mature release as according to him he has completed 23 years of actual custody and 28 years with remission.



Learned counsel for the petitioner submits that the case of the petitioner was earlier recommended to State Government for grant of remission but on one pretext or another the same has been kept pending.

Mr. Prabhu Narayan Sharma, learned AC to AG submits that now the petitioner has completed the requisite period for consideration of his case for pre-mature release, therefore, in the very next meeting of the Remission Board which is being held every quarter, the case of this petitioner shall be considered.

This Court finds that the counter affidavit nowhere explains as to why despite recommendation of the case of the petitioner, the Remission Board has not taken up the same for consideration. The Remission Board which is headed by the I.G., Prison must keep in mind that the policy of the government to grant pre-mature release is a public policy and it has certain objectives to be achieved. If they are not considering the case of the eligible convicts immediately on completion of the requisite period, they are failing in their statutory duty which results in unnecessary continuation of the convicts in jail. In an appropriate case, this Court may consider fixing responsibility for such huge delay on the part of the State Remission Board.



For the present, this writ application is being disposed of with a direction to the Chairman of the State Remission Board to convene a meeting of the Board within a period of one month from the date of communication of this order and consider the case of the petitioner for pre-mature release. An appropriate decision commensurate to the policy of the government shall be taken in the said meeting and the same will be communicated to the petitioner forthwith.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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