

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 1288 of 2016

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

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Ram Chandra Singh

.... Petitioner/s

Versus

The State of Bihar through the Secretary, Ministry of Home, Government of Bihar,
Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Manish Kr No 2 & Gajendra Kr Singh, Advocates

For the S t a t e : Mr P N Sharma, AC to AG &
Mr S D Sanjay, ASG

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE SANJAY PRIYA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 20-12-2016

A counter affidavit has been filed on behalf of the State.

Heard the parties.

By this application, the writ petitioner seeks his early release from imprisonment. He had applied to the Bihar State Sentence Remission Board (for brevity, *the Board*) but his application has been rejected only on the ground that in view of the amendment made to the Jail Manual with effect from 26.05.2016, persons having been found guilty of multiple murders, are not entitled to any shortening of sentence or early release. Petitioner was convicted alongwith several others including one Ramadhar Singh and sentenced to imprisonment for life for an offence under Section 302 with the aid of Section 149 of



Indian Penal Code. He was similarly situated to Ramadhar Singh who was also similarly convicted. Ramadhar Singh had moved this Court for his release from custody by filing Cr W J C No 1245 of 2016 which, by judgment and order dated 15.12.2016, was allowed by this Court, after considering various submissions on behalf of the State. There are no distinguishing factors. The petitioner has, by now being in physical custody for over 16 years and if remission available is taken into account, his total period undergone in jail would be about 22 years.

As there are no distinguishing factors to distinguish the case of the petitioner from Ramadhar Singh in view of the judgment in the case of Ramadhar Singh (supra), there is no option but to allow the writ petition with the direction to the Board to reconsider the matter immediately in light of the judgment of this Court in the case of Ramadhar Singh (supra).

The writ petition is, accordingly, allowed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Sanjay Priya, J)

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