

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.163 of 2016

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1. Dilip Bhagat son of Baij Nath Bhagat, Resident of Mohalla- Sahpur,
Police Station- Aurangabad (T), District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Inspector General of Prison and Correctional Services, Bihar.
3. Superintendent, Special Central Jail, Bhagalpur, Bihar.
4. Superintendent of Police, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate
Mr. Sajid Salim Khan, Advocate
For the Respondent/s : Mr. Ram Balak Mahto, AG
Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 16-02-2016 Heard Mr. Sajid Salim Khan, learned Counsel for the

petitioner, and Mr. Prabhu Narayan Sharma, learned Assistant

Counsel to Advocate General, appearing on behalf of the State-

respondents.

In terms of Clause (a) of Sub-rule (1) of Rule 481 of

Bihar Prison Manual, 2012, a convict, who has been imprisoned

for life, in heinous cases, such as murder with rape, has to undergo

a period of twenty years of actual imprisonment before becoming

eligible to be considered for granting remission by the State

Government.



In the case at hand, the petitioner has been convicted by order, dated 26.08.1997, and sentenced by order, dated 27.08.1997, passed in Sessions Trial No.22 of 1997/26 of 1997, under Sections 302, 376 read with 511 of the Indian Penal Code, and he has been sentenced to suffer imprisonment for five years, under Section 376 read with Section 511 of the Indian Penal Code, and life imprisonment under Section 302 of the Indian Penal Code.

In the light of the above, since the petitioner has completed five years of imprisonment for his conviction, i.e., 30.10.1996 to 29.10.2001, under Section 376 read with Section 511 of the Indian Penal Code, and since thereafter his imprisonment for his conviction, under Section 302 of the Indian Penal Code, had commenced.

On completion of his 14 years of actual imprisonment commencing from 30.10.2001, the petitioner becomes eligible for being considered for remission in terms of the provision under Clause (a) of Sub-rule (1) of Rule 481 of Bihar Prison Manual, 2012.

In view of the above, this writ petition is disposed of with direction to respondent Nos.2 and 3, namely, Inspector General of Prison and Correctional Services, Bihar, and Superintendent, Special Central Jail, Bhagalpur, Bihar,

respectively, to consider the petitioner’s case for remission. We, however, make it clear that this direction, for being considered for remission, shall not be construed as a direction to the respondents to mandatorily grant remission to the petitioner.

With the above observations and directions, this writ application shall stand disposed of.

(I.A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

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