

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.284 of 2017

Arising Out of PS.Case No. -11 Year- 1999 Thana -Singheshwar (Shankarpur) District-
MADHEPURA

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Shibo Yadav @ Shivu Yadav son of Krishna Mohan Yadav Resident of Village
Belha Gopalpur, P.S. Kumar Khand, District Madhepura

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary - cum - Commissioner, Department of Home, Government of Bihar, Patna
3. The Secretary, Department of Law, Government of Bihar, Patna.
4. The Director General of Police, Government of Bihar, Patna
5. The Inspector General, Koshi Division, Saharsa
6. The Inspector General, (Jail & Reform Services), Government of Bihar, Patna
7. The Deputy Inspector General, (Jail & Reform Services), Government of Bihar, Patna.
8. The Director, Probation Services, Government of Bihar, Patna
9. The Bihar State Sentence Remission Board, Patna through its Chairman
10. The District Magistrate, Madhepura, P.S. & District Madhepura
11. The Superintendent of Police, Madhepura, P.S. & District Madhepura
12. The Superintendent of Divisional Jail, Madhepura, P.S. & District Madhepura
13. The Probation Officer, Home (Jail) Department, Madhepura.
14. The S.H.O. Singheshwar (Shankarpur) P.S. Singheshwar District Madhepura

.... Respondents

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Appearance :

For the Petitioner : Dr. Sanjay Kumar Singh, Advocate

For the Respondents: Mr. P.K. Verma, AAG 3

Mr. S.K. Sharma, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 03-03-2017

Heard learned counsel for the petitioner and learned

Additional Advocate General No. 3 for the State.

2. By this writ petition, the petitioner challenges the decision
of the Bihar State Sentence Remission Board taken in meeting dated
28.11.2016 by which the prayer of the petitioner for early release in



terms of Section 432 of the Code of Criminal Procedure was rejected on the ground that in view of the amendment dated 26.05.2016 which now precluded application of Section 432 Cr. P.C. in cases of multiple murder, the petitioner’s case for premature release could not be considered.

3. In several judgments in the recent past, we have repeatedly held that the law in this regard is that conditions for premature release as per law and position as obtaining on the day of conviction would apply to see whether a person would be entitled to premature release or not. Any subsequent change to the detriment of a convict made subsequently will not be taken into account though any relaxation subsequently made would enure to his benefit. Thus, on the face of it, the decision of the State Sentence Remission Board cannot be sustained.

4. This writ petition is allowed with a direction to the State Sentence Remission Board to forthwith reconsider the matter inasmuch as all other authorities have already given their opinion in favour of the petitioner’s release.

5. With this direction, this writ petition stands disposed of.

(Navaniti Prasad Singh, J)

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.03.2017
Transmission Date	03.03.2017

