

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.792 of 2019**

Arising out of PS. Case No.-109 Year-2003 Thana- DINARA District- Rohtas

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DHANMUN YADAV @ DHANJEE YADAV, aged about 40 years, Male, Son of Late Bhola Yadav, Resident of Village - Arang, P.S.- Dinara, District- Rohtas

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY, GOVT. OF BIHAR, PATNA Bihar
2. The Secretary, Home Department-Cum-Chairman, State Sentence Remission Board,Bihar, Patna Bihar
3. The Commissioner, Home Special, Govt. of Bihar, Patna Bihar
4. The Inspector General (Prison), Govt. of Bihar, Patna Bihar
5. The Jail Superintendent, Kendriya Kara, Buxar Bihar

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Rajiv Ranjan Kr. Pandey, Advocate<br>Mr. Kritya Nand Das, Advocate |
| For the Respondent/s | : | Mr. Prabhu Narayan Sharma, A.C. to A.G.                               |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      25-06-2019                      Heard learned counsel for the petitioner and Shri Prabhu Narayan Sharma, learned counsel for the State. A counter affidavit has been filed which is taken on record.

The petitioner has come up for a direction to the State Government to exercise its powers for remission keeping in view the fact that the petitioner has already served out the sentence after which he becomes entitled for consideration for remission.



Learned counsel has relied on the Government policy promulgated on 10<sup>th</sup> December, 2002 to contend that the said policy is applicable when the petitioner came to be convicted in the year 2007. According to Clause (iii) (ka) read with (kha) the applicant is entitled for the benefit of remission.

Without entering into the merits of the claim of the applicant, since the period of incarceration has been admitted in the counter affidavit filed on behalf of the State, we dispose of this writ petition with a direction to the Respondent No. 2 to consider the claim of the petitioner in accordance with the relevant policy applicable for grant of remission on receipt of a certified copy of our order, or otherwise pass appropriate order preferably within three months from today.

The petition is accordingly disposed of.

**(Amreshwar Pratap Sahi, CJ)**

**(Anjana Mishra, J)**

P.K.P./-

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