

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1414 of 2019

Arising Out of PS. Case No.-81 Year-1998 Thana- CHAUSA District- Madhepura

Sanjay Mandal @ Sanjoy Mandal, son of Sahdeo Mandal, resident of Village
- Arajpur Tola, Bhittha, P.S.- Chausa, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Home, Govt. of Bihar, Patna
2. The Jail Superintendent, Central Jail, Buxar
3. The Jail Superintendent of Central Jail, Madhepura
4. The Superintendent of Police, Madhepura

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-10-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

2. A counter affidavit has been filed categorically stating therein that such convicts who have been found to be guilty of having committed murder of public servants on duties may not be considered for eligible for premature release. In paragraphs 9 and 10 of the aforesaid affidavit, the reference to the same has



been made, describing the incident where the petitioner was involved in the murder of three persons including two public servants, one *Daffadar* and one *Chaukidar*, who were on duties at the time of the incidence.

3. It is this which has weighed with the Remission Board to reject the request for premature release.

4. We have considered the submissions raised and we find that the consideration by the Remission Board does not suffer from any infirmity of either objectivity or even subjectivity, keeping in view the nature of the crime, the guilt and the perception about the petitioner as per the reports submitted in this regard.

5. This Court, in exercise of jurisdiction under Article 226 of the Constitution of India, therefore, cannot substitute the same after having perused the judgment of conviction dated 18th of May, 2001, which is on record.

6. These observations are however been made,



keeping in view the present information as gathered and the reports submitted and, therefore, the dismissal of this writ petition would not be any impediment for the State Government to consider any such renewed request in future.

7. The application stands dismissed.

(Amreshwar Pratap Sahi, CJ)

Shageer/Praveen

(Ashutosh Kumar, J)

U		T	
---	--	---	--

