

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1637 of 2019

Arising out of PS. Case No.- Year-0 Thana- District- Samastipur

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SANJEEV KUMAR ROY, male, aged about 40 years, Son of Mahendra Prasad Roy, Resident of Ward No.9, Dharmpur, P.S.-Samastipur Town, District-Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY, GOVT. OF BIHAR, PATNA Patna.
2. The State Sentence Remission Board through the Additional Chief Secretary, Home Deptt., Govt. of Bihar Patna.
3. The Joint Secretary-cum-Director(Administration), Home Deptt. (Prison), Bihar, Patna.
4. The Secretary, Law Deptt., Govt. of Bihar, Patna. .
5. The Additional Director General of Police, Criminal Investigation Deptt., Bihar,Patna.
6. The Inspector General, Prisons and Correctional Services, Bihar, Patna.
7. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna.
8. The Jail Superintendent, Shahid Khudi Ram Bose, Central Jail, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, 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 MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for the following reliefs:

“(I) For issuance of an appropriate writ in the nature
of CERTIORARI for quashing the decision of the
State Remission Board dated 21.08.2019, so far it



relates to the petitioner, whereby and whereunder a decision has been taken that the proposal of the petitioner has been again placed after completing of 26 years of sentence with remission for consideration of his case for his premature release.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to grant pre-mature release of the petitioner on the ground that the petitioner had already completed more than 18 years of his physical incarceration and more than 23 years with remission also on the ground that the person who convicted along with the petitioner by the learned trial court sentenced to death had already been released by the State of Maharashtra pursuant to the order of the Hon'ble Bombay High Court.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the respondent authorities to grant special remission to the petitioner on the ground that the petitioner is discharging several works with good behaviour for which he is entitled for grant of special remission under Section 427 of Bihar Prison Manual.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to approach the respondents again by filing a representation.



Learned counsel for the State states that any such representation shall be considered in accordance with law after accounting for all the annexures which are annexed with the writ petition.

Needful be positively done within a period of two months from today.

The petition stands dismissed as withdrawn with the liberty aforesaid leaving the question of maintainability open.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

P.K.P./-

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