

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.113 of 2020**

Arising Out of PS. Case No.-80 Year-1985 Thana- DHANARUA District- Patna

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RAMDEV PRASAD YADAV @ RAMDEO YADAVA S/o Late Charitra  
Yadav Resident of Village - Chiraiyantar, P.S. - Dhanarua, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY, HOME  
DEPTT .GOVT. OF BIHAR, PATNA Bihar
2. The Director General of Police, Government of Bihar, Patna. Bihar
3. The Inspector General of Prison, Bihar, Patna. Bihar
4. The District Magistrate, Patna. Bihar
5. The Senior Superintendent of Police, Patna. Bihar
6. The Superintendent, Adarsh Central Jail Beur, Patna, District - Patna. Bihar
7. The Deputy Superintendent of Police Masaurhi at Patna. Bihar

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Satish Chandra       |
| For the Respondent/s | : | Mr.Lalit Kishore (A.G.) |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

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

2      04-02-2020      Petitioner prays for the following reliefs:-

“(i) That this criminal writ application is being filed  
for issuance of an appropriate writs, orders and  
direction to respondent authorities to release the  
accused/petitioner from the Jail custody in  
Dhanarua P.S. Case No. 80/1985 (arising out of  
S. Tr. No. 692/1986) who has already been  
convicted vide order dated 22.09.1990 passed  
by the learned Additional Sessions Judge-Vith,



Patna and thereafter who has already completed 14 years physical imprisonment.

- (ii) For further direction to the respondents for his early release on the ground that he has remained in custody for more than 14 years physical imprisonment.
- (iii) For further direction to the respondents to put up the case of the petitioner before the State Sentence Remission Board but up till now the petitioner's case has not been put up before the State Sentence Remission Board in spite receiving of the Probation report by the concerned authority. ”

It is not in dispute that the petitioner's detention is pursuant to an order passed by a court of competent jurisdiction. He stands convicted in relation to Dhanarua Police Station Case No. 80 of 1985. The judgment dated 22<sup>nd</sup> September, 1990 passed by the learned Additional Sessions Judge-VIth, Patna, has attained finality. As such, petitioner's detention cannot be said to be illegal. Insofar as the petitioner's prayer for remission is concerned, it is always open for the petitioner to approach appropriate authority.

We are hopeful that upon receipt of such request the same shall be considered and decided expeditiously, in accordance with law and positively within a period of four weeks thereafter.



The instant petition stands disposed of in the aforesaid terms.

**(Sanjay Karol, CJ)**

**( Mohit Kumar Shah, J)**

S.Sb/-

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