

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 385 of 2021

Arising Out of PS. Case No.-162 Year-2002 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. SAHANI KHATOON Wife of Md Daud Resident of Village- Ahmadganj, PS- Sahebpur Kamal, District- Begusarai.
 2. Md Naushad Alam Son of Md Daud Resident of Village- Ahmadganj, PS- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH CHIEF SECRETARY, GOVT. OF BIHAR, PATNA- 1
2. The Principal Secretary, Home Department, Government of Bihar, Patna-1 Bihar
3. The State Sentence Remission Board Through its Chairman, Government of Bihar, Patna-1
4. The Secretary- Cum- Law Remembrance, Law Department Government of Bihar, Patna-1
5. The Director General of Police, Police Department, Government of Bihar, Patna
6. The Director, Probation Service, Government of Bihar, Patna-1
7. The Inspector General of Police (Prison), Jail Reforms, Government of Bihar, Patna-1
8. Superintendent of Jail, Central Jail, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Vivekanand Vivek, Advocate
For the Respondent/s : Mr M Nasrul Huda Khan, SC I

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-04-2021

This case has been taken up today for consideration
through Video Conferencing.

2 Heard learned counsel for the petitioners and the
respondents.



3 The present writ petition has been filed with a prayer for quashing the order dated 05.03.2020 issued by the State Sentence Remission Board (hereinafter referred to as the *Board*) whereby and where under the petitioners' plea and proposal for their premature release has been rejected. The petitioners have not been found eligible for premature release in terms of Notification dated 10.12.2002 bearing Memo No 3106 of the Home (Special) Department, Government of Bihar.

4 The facts briefly are that the petitioners have been convicted by the judgment dated 07.09.2005 passed by the Court of Additional Sessions Judge, Fast Track Court I, Begusarai in Sessions Trial No 304 of 2003. They have been sentenced to undergo rigorous imprisonment for life.

5 It is the case of the petitioners that petitioner No 1 is now more than 70 years of age and she is suffering with various old age ailments. She has served more than 20 years of her sentence including the period of remission granted in accordance with law. Petitioner No 2 is stated to have completed more than 22 years of his sentence including the period of remission granted in accordance with law.

6 The parties are in agreement that the case of the petitioners is covered by recent decision of this Court passed in



CrWJC No 335 of 2021 in the case of Md Khudbuddin @ Md Kutubuddin Ansari which reads as follows:

“6. Having heard the submission of learned counsel for the parties, this Court is, prima facie, satisfied with the submission of learned counsel for the petitioner and is in agreement that the case of the petitioner is covered by a decision of Division Bench of this Court dated 20.06.2017 passed in CrWJC No 748 of 2017. In this case, petitioner has been convicted prior to 02.07.2007 and, thus, his case is squarely covered by order dated 20.06.2017 passed in CrWJC No 748 of 2017 by a Division Bench of this Court.

7. In the aforesaid facts and circumstances, the impugned order dated 05.03.2020 passed by State Remission Board (Annexure P6) is hereby quashed and set aside.

8. The criminal writ petition is allowed with a direction to the State Remission Board to consider the case of the petitioner afresh in the light of various judgments of this Court referred hereinabove and take an appropriate view of the matter within a period of six weeks from the date of receipt/production of a copy of this order.”

7 This writ petition is also allowed in the aforesaid terms with a direction to the State Remission Board to consider the case of these petitioners afresh in the light of various judgments of this Court referred to in the above noted quotation of CrWJC No 335 of 2021 and take an appropriate view of the matter within a period of six weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2021
Transmission Date	15.04.2021

