

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.327 of 2022

Arising Out of PS. Case No.-236 Year-2006 Thana- MOTIHARI TOWN District- East
Champaran

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Shankar Das, Male aged about 57 years, Male, Son of Dharikshan Das,
Resident of Village - Pathkauliya, Police Station - Muffasil, District - East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Prison), Government of Bihar, Patna.
2. The Secretary, Department of Home (Prison), Bihar, Patna.
3. The I.G. Prison, Bihar, Patna.
4. The Superintendent of Police, East Champaran at Motihari.
5. The Superintendent, Central Jail, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : AC to AG

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

3 08-07-2022 Mr. Anil Kumar, learned counsel for the petitioner and

learned AC to learned Advocate General for the State are

present.

2. The petitioner has moved the Court for the

following reliefs:-

*(I) For issuance of an
appropriate writ(s) /order(s)/ direction(s)
in the nature of mandamus directing and
commanding the respondent authorities
to give willful special remission and
direct the authority to concern to release*



the petitioner forthwith from the Central Jail Motihari, where he has served his actual period of sentence or more than 14 years after having been convicted for life under Section 302 of the Indian Penal code and to pay fine of Rs. 10,000/- he is further sentenced to undergo 10 years in rigorous imprisonment under Section 307 of the Indian Penal Code and to pay fine of Rs. 5,000/- and also sentenced to undergo 1 month simple imprisonment under Section 341 of the Indian Penal Code. All the sentences shall run concurrently. In case of default in payment of fine, he shall further undergo imprisonment for a period of 6 months and benefit of remission has not been granted to him according to relevant provision of law.

(ii) For issuance of an appropriate writ / order or direction(s) in the nature of mandamus for directing and commanding the authority concern to pay compensation to the petitioner on the ground that he has served for more than 15 years with remission.

(iii) And for any other relief(s) for which petitioner is found to be entitled in view of the facts and circumstances of the case.

3. After some arguments, learned counsel for the petitioner submits that he may be permitted to withdraw the writ petition to enable him to pursue his remedies as may be available in law before the appropriate Court/forum.

4. In view there of, as prayed for by learned counsel for the petitioner, the writ petition stands disposed of as withdrawn with liberty aforesaid.



5. It is observed that the Court has not expressed any opinion with regard to the merits of the matter.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

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