

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.532 of 2022

Arising Out of PS. Case No.-22 Year-1997 Thana- SAHARGHAT District- Madhubani

1. JAGDISH YADAV, Son of Bisheshwar Yadav, Resident of village - Baswariya, P.S.- Shaharghat, District - Madhubani.
2. Vijay Yadav @ Vijoy Yadav, Son of Jagdish Yadav, Resident of village - Baswariya, P.S.- Shaharghat, District - Madhubani.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Sentence Remission Board through the Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Joint Secretary - cum - Director (Administration), Home Department (Prison), Bihar, Patna.
4. The Secretary, Law Department, Government of Bihar, Patna.
5. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna.
6. The Inspector General, Jail and Reforms Services, Bihar, Patna.
7. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna.
8. The Jail Superintendent, Khudi Ram Bose Central Jail, Muzaffarpur. Bihar
9. The Superintendent, The Divisional Jail, Madhubani. Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Adv.
For the Respondent/s : Mr.Ajay Kumar Sharma, AC to AG.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-09-2022 Petitioners in the present case are seeking a direction to the respondent authorities to send their proposal along with relevant reports of the prescribed authorities as required under law to the State Remission Board for grant of premature release. They have been convicted for life in Sessions Trial No. 448 of 1999 arising out of Saharghati P.S. Case No. 22 of 1997 by learned Additional Sessions Judge, Fast Track Court-1,



Madhubani.

It is stated in the writ petition that the petitioners have completed more than 14 years of their actual physical custody and 20 years with remission much before.

As against the said statements of the petitioners, the State respondents have filed a counter affidavit in which a categorical statement has been made in Paragraph '7' and '8' that these petitioners have not completed 20 years of custody with remission. It is stated that the petitioner, Jagdish Yadav has completed 19 years 04 months and 06 days of custody with remission whereas the other petitioner, Vijay Yadav has completed 19 years 04 months 26 days of custody with remission. It is for these reasons that their proposal for premature release has not been sent.

There is no contest to the statements made in Paragraph '7' and '8' of the counter affidavit. In such circumstances this court finds that this writ application is premature.

In case the respondent authorities do not consider the case of the petitioners for premature release after completion of 14 years of actual custody and 20 years with remission, it will be open for the petitioners to seek their remedy before this



Court.

This application stands disposed of accordingly.

It is expected that the procedures for consideration of the case of the petitioners shall be initiated by respondent authorities in terms of its policy decision as contained in Paragraph(V) of the notification dated 10th December, 2002 issued by the Home (Special) Department, Government of Bihar.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

