

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1355 of 2021

Arising Out of PS. Case No.-1 Year-1994 Thana- CHAUTHAM District- Khagaria

1. JANAK SINGH @ JANAKLAL SINGH Son of Late Makhru Singh Resident of Village- Hardia, P.S.- Choutham, District- Khagaria.
2. Sulen Singh Son of Late Makhru Singh Resident of Village- Hardia, P.S.- Choutham, District- Khagaria.
3. Nago Singh @ Nageshwar Singh Son of Late Makhru Singh Resident of Village- Hardia, P.S.- Choutham, District- Khagaria.

... .. Petitioners

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary Department of Home (Prison), Govt. of Bihar, Patna.
4. The Secretary Department of Law, Govt. of Bihar, Patna.
5. The Inspector General, Prison and Reform Services, Govt. of Bihar, Patna.
6. The State Sentence Remission Board through its Secretary, Govt. of Bihar, Patna.
7. The Superintendent, Central Jail, Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Respondent/s : Mr.Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-12-2022 Heard learned counsel for the petitioners and Mr. Prabhu Narayan Sharma, learned AC to AG for the State.

Petitioners in the present case are seeking a direction to the respondents to consider their cases for pre-mature release as according to them they have completed 14 years of actual custody and 20 years with remission.

Learned counsel for the petitioners submits that the cases of the petitioners were earlier recommended to State



Government for grant of remission but on one pretext or another the same has been kept pending. It is specifically stated in Paragraphs '8' and '9' that the co-convicts namely Laxman Singh and Bhagwan Singh as also convict Khajantu Singh who were also convicted by the common judgment have been granted privilege of pre-mature release.

Mr. Prabhu Narayan Sharma, learned AC to AG submits that now the petitioners have completed the requisite period for consideration of their case for pre-mature release, therefore, in the very next meeting of the Remission Board which is being held every quarter, the cases of these petitioners shall be considered.

This Court finds that the counter affidavit nowhere explains as to why despite recommendation of the cases of the petitioners, the Remission Board has not taken up the same for consideration. The Remission Board which is headed by the I.G., Prison must keep in mind that the policy of the government to grant pre-mature release is a public policy and it has certain objectives to be achieved. If they are not considering the case of the eligible convicts immediately on completion of the requisite period, they are failing in their statutory duty which results in unnecessary continuation of the convicts in jail. In an appropriate case, this



Court may consider fixing responsibility for such huge delay on the part of the State Remission Board.

For the present, this writ application is being disposed of with a direction to the Chairman of the State Remission Board to convene a meeting of the Board within a period of one month from the date of communication of this order and consider the cases of the petitioners for pre-mature release. An appropriate decision commensurate to the policy of the government keeping in mind that similarly situated persons are said to have been granted privilege of pre-mature release shall be taken in the said meeting and the same will be communicated to the petitioners forthwith.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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