

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1329 of 2022

Arising Out of PS. Case No.-188 Year-2007 Thana- SAUR BAZAR District- Saharsa

ABHINANDAN SAH @ ABHEENANDAN SHAH SON OF SRI SHANKAR SAH R/O VILL.- KACHARA, P.S.- SOURE BAZAR, DISTT.- SAHARSA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME DEPARTMENT, PATNA BIHAR
2. THE CHAIRMAN, PARIHAR PARISHAD HOME (JAIL) DEPARTMENT, BIHAR, PATNA BIHAR
3. THE I.G. OF PRISONS, BIHAR, PATNA BIHAR
4. THE D.G.P. BIHAR, PATNA BIHAR
5. THE DISTRICT MAGISTRATE, SAHARSA BIHAR
6. THE SUPERINTENDENT OF POLICE SAHARSA BIHAR
7. THE JAIL SUPERINTENDENT OF ADARSH KARA, SAHARSA BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar 1
For the Respondent/s : Mr.Lalit Kishore ,Ag

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 28-11-2022 The petitioner is serving his sentence upon his conviction for the offence punishable under Section 304B/34 of the Indian Penal Code for life by a judgment and order of a trial court, which has been affirmed up to this Court. The petitioner has filed the present writ application seeking direction to the State respondents to release him mainly on the ground that he



has remained in custody since 23.08.2007. Our attention has been drawn to an application filed by the petitioner's brother before the Superintendent of Jail, Saharsa for grant of remission as according to him he is entitled to such consideration after having spent in jail for more than fourteen years, and has always maintained good conduct.

Learned counsel appearing on behalf of the petitioner has argued that as on date the petitioner has remained in custody for fifteen years three months and five days, in the light of the aforesaid judgment of conviction and the order of sentence.

Be that as it may, considering the facts and circumstances of the case, this application is disposed of with a direction to the Bihar Remission Board to consider expeditiously the petitioner's case for grant of remission in accordance with the provisions of Chapter 13 of the Bihar Prison Manual.

(Chakradhari Sharan Singh, J)

(Khatim Reza, J)

anand/-

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