

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.311 of 2023

Arising Out of PS. Case No.-4 Year-2002 Thana- NAUHATTA District- Rohtas

Rupdev Yadav @ Rupu, aged about 70 years, Son Of Subhash Yadav, R/O Village- Babhan Talab, P.S. and District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Union of India through Home Secretary, New Delhi.
3. The Bihar State Sentence Remission Board through its Chairman Cum Principal Secretary, Department of Home, Government of Bihar, Patna.
4. The Joint Secretary Cum Director (Administration), Home Department, (Prison), Bihar, Patna.
5. The Secretary, Law Department, Government of Bihar, Patna.
6. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna.
7. The Inspector General, Jail and Reforms Services, Bihar, Patna Cum Secretary, Bihar State Sentence Remission Board.
8. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna.
9. The Jail Superintendent, Sasaram Jail, Sasaram, Rohtas.

... .. Respondents

Appearance :

For the Petitioner : M/S. Rakesh Narayan Singh and Kanhaiya Pandey, Advocates.

For the Respondents : Mr. Vikas Kumar, A.C. to A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 05-04-2023 Heard learned counsel for the petitioner and learned counsel for the respondents.

The following reliefs have been sought for on behalf of the petitioner in the present criminal writ application.



“1. That this writ application is being filed for directing the respondents to take forthwith decision for remission and releasing the petitioner from the custody who is languishing in jail since 06.06.2002 to till date in connection with Case No. R.C. 4(S)/2002 (arising out of Nauhata P.S. Case No. 04/2022) by which the petitioner has been sentenced to undergo life imprisonment, in pursuance of clear recommendation for his release by the S.P., Rohtas, District Probation Officer, Jail Superintendent, Sasaram and Learned District Judge, Rohtas and others.

(i) That respondent no. 3/State Remission Board may be directed for fresh considering the case of the petitioner for remission and release on this count that he is 70 years old person and is in the actual custody for the last 20 and more years and with remission his custody period is more than 26 years.

(ii) That the proceeding of the meeting of State Remission Board dated 14.05.2019 contained in Annexure- 4 may be quashed.”

On the earlier occasion, the petitioner had preferred *Habeas Corpus* application. In light of the direction of Hon’ble High Court (Cr.W.J.C. No. 2032/2017), the State Government had passed an order rejecting the application of remission of the petitioner vide Annexure-4 to the present criminal writ application.

On behalf of the petitioner, it has been submitted that he has remained in custody for more than 26 years and he is aged 70 years. He is not a threat to the society.

Considering the submission of the petitioner, if a fresh



application is filed on behalf of the petitioner for remission, the State Government may consider the age of the petitioner, the period of custody undergone and take liberal view while passing an order in accordance with law.

Accordingly, the present criminal writ application stands disposed of with the aforesaid liberty.

(Sudhir Singh, J)

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(Chandra Prakash Singh, J)

