

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.542 of 2021**

Arising Out of PS. Case No.-268 Year-1983 Thana- KOTWALI District- Munger

KATIMAN YADAV @ KARIMAN YADAV SON OF LATE SUKAR  
YADAV R/O VILLAGE- HERU DIYARA, P.S.- KOTWALI, DIST.-  
MUNGER

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE HOME SECRETARY, GOVT. OF BIHAR, PATNA BIHAR
2. THE INSPECTOR GENERAL OF PRISON, BIHAR, PATNA BIHAR
3. THE STATE SENTENCE REMISSION BOARD, BIHAR, PATNA THROUGH ITS CHAIRMAN BIHAR
4. THE DISTRICT MAGISTRATE, MUNGER BIHAR
5. THE SUPERINTENDENT OF POLICE, MUNGER BIHAR
6. THE SUPERINTENDENT OF DISTRICT JAIL, MUNGER BIHAR
7. THE SUPERINTENDENT OF SPECIAL CENTRAL JAIL, BHAGALPUR BIHAR

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Bharat Lal, Advocate.  
For the Respondent/s : Mr. Sheo Shankar Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      23-06-2023                      Heard learned counsel for the parties concerned.

The petitioner has filed the present writ application for a direction to the respondent No. 7 to take steps for remission under Section 432 Cr. P.C. inasmuch as the petitioner is in custody in connection with Sessions Case No. 159 of 1985/50 of 1986 arising out of Kotwali (Kasim Bazar) P.S. Case No. 268 of 1983 for the offence under Sections 364, 302/149, 201 and 148 of the Indian Penal Code.



Learned counsel for the petitioner submits that the petitioner is 76 years old and remained in jail for three years before his conviction and he is in jail since October, 2011.

A counter affidavit has been filed by the respondent stating therein that the actual custody of the petitioner with remission is 11 years 05 months and 15 days and as soon as the petitioner completes his actual custody of 14 years and the custody of 20 years with remission, his proposal for recommendation for pre-mature release will be put before the Remission Board for consideration.

In view of the stand taken by the State in its counter affidavit, this writ application is disposed of with a direction to the concerned respondents to forward the request of the petitioner before the Remission Board for consideration after completion of actual 14 years in custody.

**(Anil Kumar Sinha, J)**

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