

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.445 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District-

SURBHI ANAND Daughter of Mrs. Lovely Anand and Mr. Anand Mohan
Resident of 166-B, Patliputra Colony, Near Chand Memorial Hospital, P.S.-
Patliputra, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna. Bihar
3. The State Sentence Remission Board through its Chairman, Government of Bihar, Patna.
4. The Law Secretary cum Legal Remembrance, Law Department, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna. Bihar
6. The Inspector General, Prison and Jail Reforms, Government of Bihar, Patna.
7. The Superintendent, Mandal Kara, Saharsa. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Nayan Chaubey, Sr. Adv.
	:	Mr. Ambuj Nayan Chaubey, Adv.
	:	Mr. Sanjay Kr. Singh, Adv.
For the Respondent/s	:	Mr. Prabhu Narayan Sharma, AC to AG.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

12 21-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Counsel for the petitioner fairly submits that the present writ petition has been filed for release of the petitioner from custody. He submits that during pendency of this writ petition, the notification of the year 2002 has been amended and in the light of the new notification, the petitioner has released from jail and question of remission of the petitioner due to his release, is nowhere in existence.

Counsel further submits that new notification has

been challenged before the Hon'ble Supreme Court and therefore, he seeks permission that this case may continue and be heard after disposal of the case pending before the Hon'ble Supreme Court in Writ Petition(s) (Criminal) No(s). 204 of 2023 of Telugu Umadevi Krishnaiah & Anr. Vs. the State of Bihar & Ors.

Counsel for State submits that the cause of action for which the present writ petition has been filed, is no more in existence. Therefore, it is unnecessary to keep this writ petition pending.

Upon hearing the submissions and going through the records, it transpires to this Court that due to release of the petitioner, the question of remission is nowhere in existence and, hence continuing this writ petition appears to be unnecessary.

As such the writ petition stands disposed of with liberty to the petitioner he may file fresh petition for the subsequent cause of action.

With this direction, this criminal writ application is hereby dismissed as become infructuous

(Dr. Anshuman, J.)

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