

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1084 of 2021

Arising Out of PS. Case No.-251 Year-2004 Thana- MUNGER MUFFASIL District- Munger

RAJA KUMAR S/o Satish Prasad Yadav @ Satish Yadav Resident of Village-
Shankarpur, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

1. The state of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna. Bihar
2. The State Sentence Remission Board, Through the I. G. of Prisons- Cum-Chairman, Government of Bihar Bihar, patna.
3. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna. Bihar
4. The Inspector General of Prisons and Correctional Services, Bihar, Patna. Bihar
5. The Superintendent of Police, Bhagalpur. Bihar
6. The Superintendent of Police, Munger. Bihar
7. The Jail Superintendent, Secial Central Jail, Bhagalpur. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Namrata Mishra Ms. Archana Jha
For the Respondent/s	:	Mr. Deepak Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- | | | |
|---|------------|--|
| 3 | 25-07-2023 | 1. The present writ application has been filed by the petitioner, who is the son of the convict, namely, Satish Prasad Yadav @ Satish Yadav, for a direction to the respondent no. 7 to place the case of his father for consideration before the Bihar State Sentence Remission Board for premature release inasmuch as according to the petitioner, his father has completed actual custody of 16 years 04 months (without remission) and more than 20 |
|---|------------|--|



years (with remission), as of today.

2. Learned Counsel for the petitioner submits that the State Government has come out with a remission policy, under Section 432 read with Section 433-A of the Code of Criminal Procedure, 1973 in the year 2002 and according to learned Counsel for the petitioner, the father of the petitioner is entitled to be considered as per the policy of remission.
3. Learned Counsel for the State, referring to paragraph 8 of the counter affidavit, submits that the father of the petitioner is a life convict and was convicted under Section 302 of the Indian Penal Code and as of today, the father of the petitioner has completed more than 16 years in custody (with remission and more than 20 years in custody (without remission).
4. After having heard learned Counsel for the parties concerned, and taking into consideration the nature of prayer made in the writ application, this writ application is disposed with direction to the respondent no. 7 to place the case of the father of the petitioner for consideration before the Bihar State Sentence Remission Board within a period of thirty days from the date of receipt/production



of a copy of this order and further direction to the Bihar State Sentence Remission Board to consider and dispose the claim of the father of the petitioner for remission within a period of six months from the date of receipt of the request for remission.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√		
---	---	--	--

