

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1064 of 2022

Arising Out of PS. Case No.-9 Year-2000 Thana- RAGHOPUR District- Supaul

JAINANDAN MANDAL S/o Late Janak Mandal R/o village- Rampur, P.S.-
Raghopur, District- Supaul

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Govt. of Bihar, Patna
2. The Director General of Police, Govt. of Bihar, Patna
3. Inspector General of Prisoner, Govt. of Bihar, Patna
4. The Superintendent of Saheed Jubba Sahani Central Jail, Bhagalpur Govt. of Bihar, Patna
5. The Superintendent of Police at District Supaul Bihar

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Naresh Kumar Mehta, Advocate
For the Respondent/s	:	Mr.P.K.Shahi, AG
		Mr.P.N.Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 07-04-2023 Heard learned counsel for the petitioner and Mr. P. K. Shahi, learned A.G. assisted by Mr. P.N. Sharma, learned AC to AG for the State.

Petitioner in the present case is seeking the reliefs:-

“1. That this is an application for issuance of a writ in the nature of mandamus and or any other appropriate writ/s, order/s or direction/s commanding upon to release the petitioner from the jail who has served the sentence till date more than 19 years 07 months who was convicted under Section 302 of the Indian Penal Code ad was sentence to rigorous imprisonment for life and/or the respondents



may be directed to place the case of the petitioner before the Sentence remission Board forth with and consider his case in accordance with law for release from jail.”

It is the case of the petitioner that he has completed 14 years of physical incarceration and 20 years of remission, therefore, his case is fit to be considered for pre-mature release .

A counter affidavit has been filed on behalf of the respondents. It is admitted in Paragraph ‘7’ of the counter affidavit that the petitioner has completed his 19 years, 8 months and 15 days as actual custody and with remission he has completed 25 years 28 days as on 06.09.2022. It is further stated in Paragraph ‘11’ that a proposal has been placed before the Remission Board.

In the given facts and circumstances of the case, this writ application is being disposed of with a direction to the Inspector General of Prisoner, Bihar, Patna (respondent no. 3) to place the case of the petitioner for consideration before the Remission Board within a period of two months from the date of receipt/ communication of a copy of this order. The concerned S.P., Probation Officer and the Presiding Officer of the Convicting Court shall ensure that their respective report be sent to the Remission Board at the earliest. The respondent nos. 3 and 4 are reminded of the facts which are appearing from



their own counter affidavit, according to which the petitioner
has already attained eligibility for consideration.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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