

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1053 of 2022

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

SONI KUMARI W/o Pappu Singh @ Rajiv Ranjan Singh @ Sanjay Singh At present Arara, P.S.- Adapur, District- East Champaran, Daughter of Rambabu Singh, Ward No. 04, Resident of Village- Barahi, B. Jayram, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Home Department, Bihar at Patna. Bihar
3. The Director General of Police, Bihar at Patna. Bihar
4. The Joint Secretary- Cum- director (Administration) Home Department (Prison) Bihar at Patna. Bihar
5. The Inspector General (Prison) Bihar at Patna Bihar
6. The District Magistrate, East Champaran at Motihari Bihar
7. the Superintendent of Police East Champaran at Motihari Bihar
8. The Jail Superintendent of Central Jail, Motihari. Bihar
9. The Probation Officer - In- Charge, Police Station Adapur, District- East Champaran at Motihari. Bihar
10. The Sub- Divisional Police Officer Raxaul , East Champaran at Motihari Bihar
11. The Officer- in- Charge, Police Station, Adapur, District- East Champaran at Motihari. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey, Advocate
For the Respondent/s : Mr. Lalit Kishore (A.G.), APP

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

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

10 08-05-2023 Heard the parties.

Counter affidavit has been filed on behalf of the State-
respondents. Let the same be kept on record.



Following statements have been made in paragraphs 5, 6 and 8 of counter affidavit:-

5. That it is humbly submitted that the present writ petition of Habeas Corpus is not maintainable since the husband of the petitioner is confined in jail by the order of a Court of competent jurisdiction in relation to a crime. The Hon'ble Court vide order dated 05.02.2020 passed in Cr.W.J.C. No. 115 of 2020 has observed that:-

“..... The present petition in the nature of Habeas Corpus, challenging the order of rejection of prayer for remission by the appropriate authority is not maintainable for petitioner's detention is through an order passed by a Court having competent jurisdiction in relation to a crime, for which, he stands convicted under the provisions of the Indian Penal Code .”

A web copy of the order dated 05.02.2020 passed in Cr.W.J.C. No. 115 of 2020 is annexed herewith and marked as **Annexure-A** to this counter affidavit.

6. That the husband of the petitioner was convicted for life vide order and judgment dated 26.11.2010/29.11.2010 passed in Sessions Trial No. 719 of 2002 under Sections 302,



307, 148 and 302/149 I.P.C. and 27 Arms Act (Arising out of Adapur P.S. Case No. 29/2001) by A.D.J.- VII, East Champaran. Presently, the petitioner is confined in Central Jail, Motihari (Annexure-1 to the writ petition).

8. That after serving the mandatory 14 years of actual custody and 20 years of custody with remission, the proposal for pre-mature release of the husband of the petitioner was put up before the Remission Board in its meeting dated 09.09.2022 for consideration.

Considering the submissions made in paragraphs 5, 6 and 8 of the counter affidavit, counsel for the petitioner does not want to press the present Criminal Writ Application.

Accordingly, this Criminal Writ Application stands dismissed as not pressed.

(Sudhir Singh, J)

(Chandra Prakash Singh, J)

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