

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1361 of 2021

Arising Out of PS. Case No.-25 Year-1987 Thana- BIDUPUR District- Vaishali

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1. BISHWANATH SINGH S/O TRILOKI SINGH R/o village- English Khajbatta, P.S.- Bidupur, District- Vaishali at Hajipur
 2. Baiju Singh S/o Triloki Singh R/o village- English Khajbatta, P.S.- Bidupur, District- Vaishali at Hajipur ... Petitioners

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY, GOVT. OF BIHAR, PATNA
 2. The Joint Secretary-cum-Director (Administration), Home Department (Prison), Bihar, Patna
 3. The Secretary, Law Department, Government of Bihar, Patna
 4. The Inspector General, Prisons and Correctional Services, Bihar, Patna
 5. The Assistant Inspector General, Prisons and Correctional Services, Bihar, Patna
 6. The Jail Superintendent, Khudi Ram Bose Central Jail, Muzaffarpur Bihar
 7. The Jail Superintendent, Divisional Jail, Hajipur Bihar
 8. The Jail Superintendent, Divisional Jail, Katihar Bihar ... Respondents
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Appearance :

For the Petitioners : Mr. Vijay Kumar Singh, Adv.
For the Respondents : Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 03-04-2023 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners submits that the present writ petition has been filed for directing the respondents to grant the special remission to the petitioners as per the criteria prescribed under Section 427 of the Bihar Prison Manual, 2012, the second relief which the petitioners sought in the present writ that they are entitled to pay the wages against the duty discharged by them in the jail and third relief counsel for the



petitioners is not pressing as the question of release become infructuous for the present petitioners.

Counsel fairly submits that petitioner no. 1 (Bishwanath Singh) has already been released on 04.08.2022 upon completion of his sentence whereas petitioner no. 2 (Baiju Singh) died during prison on 09.05.2022.

Counsel for the State further submits that the question of grant of special remission is also not applicable to the petitioners and, therefore, the first relief as prayed in the writ petition has also become infructuous.

On the question of payment of wages to the petitioners against the duty discharged by petitioners in the jail, counsel for the State submits that the petitioners may be directed to represent before the Jail Superintendent, Divisional Jail, Vaishali at Hajipur, (respondent no. 7) indicating the period of conviction as well as they shall also provide bank account number upon which the jail authority shall pay the remuneration payable to the petitioners during conviction period.

Since the petitioner no. 2 (Baiju Singh) has died therefore his heirs and legal representatives shall be entitled to receive the payment of work calculated by the authorities.

The representation shall be filed within one month



from today and the jail authority shall decide the said representation within eight weeks thereafter and shall assure the payment within two weeks thereafter.

With this observations, this writ petition is **disposed off**.

(Dr. Anshuman, J)

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