

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1373 of 2021

Arising Out of PS. Case No.-19 Year-1983 Thana- ASHTHAWAN District- Nalanda

JANARDAN YADAV, Son of Keshar Yadav Resident of village - Chhatarpur,
P.S.- Bind, District - Nalanda at Biharsharif.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Sentence Remission Board through the Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Joint Secretary-cum-Director (Administration), Home Department (Prison), Bihar, Patna. Bihar
4. The Secretary, Law Department, Government of Bihar, Patna.
5. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna.
6. The Inspector General, Jail and Reforms Services, Bihar, Patna.
7. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna.
8. The Jail Superintendent, Divisional Jail, Biharsharif, District - Nalanda.
9. The Superintendent, The Open Jail, Buxar, District - Buxar.
10. The Superintendent, Model Central Jail, Beur, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Ratnakar Pandey, Advocate
For the Respondent/s	:	Mr.P.K. Shahi, A.G.
		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 following
reliefs:-

“(I) For issuance of an appropriate writ in
the nature of **MANDAMUS**, commanding
and directing the Respondent nos. 8 and 9 to



send the proposal along with relevant reports of the prescribed Authorities as required under the law to the State Remission Board for grant of pre-mature release of the petitioner in connection with Sessions Trial No. 209/29 of 1983/84 arising out of Asthawan P.S. Case No. 19 of 1983 by which the petitioner was convicted for life under Section 302/149 vide judgment and order dated 02.09.1985 passed by the learned 4th Additional Sessions Judge, Nalanda at Biharsharif interalia on the ground that the petitioner has already completed more than 14 years of his physical incarceration and he has also completed more than 20 years with remission much before.

(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent State Remission Board to consider the case of the petitioner for grant of pre-mature release and grant pre-mature release to the petitioner on the ground that the petitioner has already completed 14 years of his physical incarceration and he has also completed more than 20 years with remission much before, therefore, in view of 1984 Policy, the petitioner is entitled for his pre-mature release.

(III) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Nos. 8 and 9 to obtain the period of remission/ special remission as granted to the petitioner and the



period of custody from the Respondent no. 10 where the petitioner was lodged after conviction, if it is not obtained.

(IV) For issuance of any other appropriate writ/ writs, order/ orders direction/ directions for which the writ petitioners would be entitled under the facts and circumstances of the case.”

It is the case of the petitioner that he has completed 14 years of actual physical incarceration and 20 years with 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 16 years, 2 months and 27 days as actual custody and with remission he has completed 20 years 5 months and 13 days as on 30.12.2022. It is further stated in Paragraph ‘8’ that a proposal has been placed before the Remission Board.

The concerned Superintendent, Open Jail, Buxar, Probation Officer, Nalanda and the Presiding Officer of the Convicting Court shall ensure that their respective reports be sent to the Remission Board at the earliest.

In the given facts and circumstances of the case, this writ application is being disposed of with a direction to the Inspector General, Jail and Reforms Services, Bihar, Patna



(respondent no. 6) 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 respondent no. 2 is reminded of the facts which are appearing from his own supplementary counter affidavit, according to which the petitioner has already attained the eligibility for consideration.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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