

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1570 of 2022

Arising Out of PS. Case No.-134 Year-2008 Thana- KISHANGANJ District- Kishanganj

Dulo Devi, Wife of Ratan Paswan, Resident of Naya Tola, Khagra, P.S.-
Kishanganj, District - Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna. Bihar
2. The State Sentence Remission Board through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Joint Secretary-cum-Director (Administration), Home Department (Prison), Bihar, Patna.
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, Central Jail, Purnea.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 05-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The 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 No. 8 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
premature release of son of the petitioner
namely Ajeet Paswan @ Ajeet Kumar Paswan
in connection with Sessions Trial No. 1007 of



2008 arising out of Kishanganj P.S. Case No. 134 of 2008, G.R. No. 499 of 2008 in which the petitioner was convicted for life and fine of Rs.20,000/- under Section 302 of the Indian Penal Code vide judgment dated 25.08.2010 and order on the point of sentence dated 26.08.2010 passed by the learned Additional District and Sessions Judge, Fast Track Court, IV, Kishanganj inter alia on the ground that the son of the petitioner has already completed 14 years of his physical incarceration on 05.06.2022 since he was in judicial custody from 05.06.2008 as also completed 20 years with remission and he is suffering from incurable disease i.e. brain tumor.

(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 son of the petitioner sympathetically for grant of premature release and grant premature release to the son of the petitioner on the ground that the son of the petitioner has already completed 14 years of his physical incarceration and 20 years with remission and he is suffering from incurable disease i.e. brain tumor, therefore, he is entitled for his premature release in view of the provisions contained under paragraph no. (iii) (ka) and (iii) (gha) of the Notification contained in memo no. 3106 dated 10.12.2002.

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

3. This Court has been informed with reference to statements made in paragraph ‘10’ of the supplementary counter affidavit filed on behalf of Respondent Nos. 3, 6, 7 and 8 that the proposal for premature release of the son of the petitioner is likely to be considered in the next meeting of the State Sentence



Remission Board (hereinafter referred to as the 'Board').

4. Having regard to the aforementioned stand of the respondent State and its authorities, this Court is disposing of the present writ application with a direction to the Respondent Nos. 2 to 8 to abide by the statements made in the supplementary counter affidavit by considering the case of the son of the petitioner for premature release in the next meeting of the Board. The decision of the Board must be a reasoned one keeping in view the recent judicial pronouncements on this subject.

5. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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