

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1754 of 2023

Arising Out of PS. Case No.-7 Year-1994 Thana- EKMA District- Saran

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Alakh Deo Rai @ Alakh Narayan Singh S/o Late Kapil Dev Rai @ Kapildev
Singh Village- Hariharpur, P.O. Parsagarh, PS. Ekma, Dist. Chapra (Saran)

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The State Remission Board, through the Home Secretary, Home Deptt.
Govt. of Bihar, Patna
3. The Home Secretary, Home Deptt. Govt. of Bihar, Patna
4. The Joint Secretary-Cum-Director (Administration) Home Deptt. (Prison)
Bihar, Patna
5. The Secretary, Law Deptt. Govt. of Bihar, Patna
6. The Additional Director General of Police, Criminal Investigation Deptt.
Bihar, Patna
7. The Inspector General Jail And Reforms Services, Bihar, Patna
8. The Assistant Inspector General Jail And Reforms Services, Bihar, Patna
9. The Superintendent of Police, Chapra
10. The Jail Superintendent, Divisional Jail, Chapra
11. The Jail Superintendent, Central Jail Motihari, East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Advocate Ms. Parul Priya, Advocate
For the Respondent/s	:	Mr. P.K. Shahi (A.G.) Mr. Amish Kumar, AC to AG

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 28-11-2023 In the instant petition petitioner has prayed for
following relief(s):

*(i) For direction to the Superintendent of
Police, Saran, the Jail Superintendent, Divisional*



Jail, Chapra, and the Jail Superintendent, Central Jail, Motihari to take all legal/statutory initiatives to place the case of the petitioner before the State Remission Board, Bihar for consideration of petitioner's case of pre-matured release as he fulfills the requisite criteria under Bihar Jail Manual for his pre-mature release.

(ii) For direction to the State Remission Board, Bihar to consider the case of the petitioner for pre-mature release in connection with sentence of life imprisonment awarded in Sessions Trial No.851 of 1994 (Arising out of Ekma P.S. Case No.-07/1994) by the Additional District and Sessions Judge/Fast Track, Court First, Chapra, Saran on 18.03.2010 as he has spent more than 14 years of physical custody and more than 20 years of total custody to be grant on Remission.

(iii) For any other relief(s) for which the petitioner may be found entitled to in the factual matrix and legal aspects of the case for his pre-mature release.

2. The petitioner was convicted in the Sessions Trial No. 851 of 1994 arising out of Ekma P.S. Case No. 07/1994 passed by the Additional District and Sessions Judge/Fast Track Court First, Chapra, Saran on 18.03.2010. The petitioner is stated to have spent 14 years of physical custody and more than 20 years total custody. Therefore, he has sought for remission. It is also submitted that petitioner was a retired



'Nayak' of the Indian Army and he is aged about 75 years.

3. Taking note of the above dates and events read with grievance of the petitioner, the State Remission Board, Bihar is hereby requested to decide the petitioner's grievance related to premature release in light of Bihar Jail Manual read with principle laid down by a co-ordinate Bench in the case of ***Gorakh Nath Singh Vs. The State of Bihar and Ors.***, passed in ***Cr. W.J.C. No. 103 of 2017*** on 02.02.2017. The State Remission Board, Bihar shall pass detailed speaking order on the grievance of the petitioner within a period of six weeks from the date of receipt of this order.

4. Accordingly, the present petition stands disposed of.

5. Decision shall be communicated to the petitioner at the earliest.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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