

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.606 of 2022

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

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Bimlesh Kumar Singh, S/o Ganesh Singh, Resident of Sakin Mahsi, P.S.-
Obra, District- Aurangabad, Bihar

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna
2. The State Sentence Remission Board through its Principal Secretary, Home Department, Govt of Bihar, Patna.
3. The Law Secretary, Department of Law, Bihar, Patna.
4. The Inspector General of Prison and Reforms Services, Old Secretariat, Govt. of Bihar, Patna.
5. The Superintendent, Mandal Kara, Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Shanu, Advocate

For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-07-2024 Heard Mr. Kumar Shanu, learned counsel for the

petitioner and Mr. Prabhu Narayan Sharma, learned AC to AG for

the State of Bihar.

2. The petitioner in the present writ application has challenged the order dated 23.12.2020 (Annexure '6' to the writ application) passed by the State Sentence Remission Board (hereinafter referred to as the 'Board') in case of the petitioner whereby and whereunder the request of the petitioner for his premature release in terms of the remission policy of the State has been rejected by the Board. The petitioner was convicted vide judgment dated 25.05.2006 by learned District and Session Court, Rohtas at Sasaram in connection with Sessions Trial No. 245 of



2006/Dihri Trial No. 27 of 2006 for the offences punishable under Sections 364A, 379/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the reasons shown in the impugned order are in the teeth of the judgment of this Court in the case of **Pradeep Kumar Srivastava @ Pradip Kumar Srivastava Vs. The State of Bihar through its Chief Secretary, Home and Others** reported in **2022 (1) PLJR 217** which view has been affirmed by the Hon'ble Division Bench in the case of **Munna Singh @ Ajay Sharma Vs. The State of Bihar and Others** reported in **2024 SCC OnLine Pat 894**.

4. Learned counsel submits that earlier, this Court has already held that the remission policy of the State as contained in Notification No. 3106 dated 10.12.2002 could be made effective and implemented only with effect from 25.09.2007. This view of the Court has also attained finality. It is, thus, submitted that the date of conviction in this case being 25.05.2006, the case of the petitioner would be liable to be considered under the old policy and at the same time, the Board is required to take a view in consonance with the judgments of this Court in the case of **Pradeep Kumar Srivastava @ Pradip Kumar Srivastava** (Supra) and **Munna Singh @ Ajay Sharma** (Supra).

5. Mr. Prabhu Narayan Sharma, learned AC to AG for the State has admitted at the Bar that the case of the petitioner



would be covered by the judgment of this Court in the case of **Pradeep Kumar Srivastava @ Pradip Kumar Srivastava** (Supra) and **Munna Singh @ Ajay Sharma** (Supra). It is not disputed that in view of the judgments of this Court which have attained finality and that by virtue of Rule 481 of the Jail Manual which has been amended on 26.05.2016, the word 'etc.' occurring in the Notification No. 3106 dated 10.12.2002 has been omitted from clause (iv)(ख).

6. In view of the aforesaid submissions and there being no contest on the issue that the case of the petitioner would be covered by the aforementioned judgments, this Court sets aside the decision of the Board as contained in Annexure '6' to the writ application and directs the Remission Board to consider the case of the petitioner afresh within a period of two months from the date of receipt/production of a copy of this order and pass a reasoned order.

7. This application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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