

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1136 of 2022

Arising Out of PS. Case No.-87 Year-2008 Thana- MUSRIGHRARI District- Samastipur

BINOD SINGH Son of Late Chandar Singh @ Late Ram Chandra Thakur @
Ram Chandra Kunwar Resident of Village - Pahepur Shambhupatti, P.S.-
Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna. Bihar
2. The Principal Secretary, Home, Government of Bihar.
3. The Bihar State Sentence Remission Review Board, Through I.G. Prison, Bihar. Bihar
4. The I.G. Prison, Bihar.
5. The Jail Superintendent, Samastipur. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-08-2024 The grievance of the petitioner, at this stage, is that his request for premature release upon granting remission is not being considered by the respondent authorities.

2. In paragraph no. 8 of the writ application a statement has been made that the petitioner's repeated request before the jail authority to send a proposal for remission of his sentence has not been entertained, and the reason as orally communicated to him is that he has been convicted for life in an offence committed under Section 376 read with Section 120B



of the Indian Penal Code therefore, as per rule 481(1) of the Bihar Prison Manual, 2012 he would not be entitled for remission proposal as per Section 432 Cr.P.C.

3. Mr. Prabhu Narayan Sharma, learned AC to AG submits that from the averments made in the writ application it does not appear that the petitioner has completed 14 years of actual incarceration and 20 years with remission to become eligible for consideration of his case for premature release. It is also not clear that the petitioner has made any application seeking premature release in terms of government's policy.

4. Having regard to the aforementioned submissions, this Court is of the considered opinion that if the petitioner has been advised to seek premature release in terms of government's policy, he may submit an appropriate application before the competent authority in this regard. If any such application is submitted by the petitioner, the competent authority shall acknowledge the same and the request of the petitioner shall be placed before the competent body for consideration at the earliest.

5. It is expected that the competent body shall consider the request of the petitioner in accordance with law and shall pass a reasoned order within three months from the date of



submission of the application.

6. This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

Prakash/-

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