

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1458 of 2024

Arising Out of PS. Case No.-27 Year-2010 Thana- SHYAMPUR BHATHAN District-
Sheohar

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1. Santosh Kumar Sah @ Santosh Sah Son of Sri Sukhdeo Sah @ Sukdev Sah Village-Ramban Godhiya, P.S- Shyampur Bhataha, District-Sheohar
 2. Bhagirath Sah Son of Late Baidhyanath Sah Village- Ramban Godhiya, P.S- Shyampur Bhataha, District-Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Home Department, Government of Bihar BIHAR
2. The Home Secretary, Home Department, Government of Bihar Patna
3. The Secretary, Law Department, Government of Bihar Patna
4. The Director General of Police, Bihar Patna
5. The State Remission Board through the Home Secretary, Home Department, Government of Bihar Patna
6. The Joint Secretary-cum-Director(Administration), Home Department, (Prison) Government of Bihar, Patna
7. The Inspector General, Jail and Reforms Services, Bihar Patna
8. The Deputy Inspector General of Police, Muzaffarpur Bihar
9. The District Magistrate, Sheohar Bihar
10. The Superintendent of Police, Sheohar Bihar
11. The Jail Superintendent, Divisional Jail, Sheohar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY

ORAL ORDER

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

2 22-07-2024 In the instant petition, the petitioners have prayed for
the following reliefs:-

“(i) for issuance of writ in the



nature of mandamus/habeas corpus including writ of habeas corpus, directing the respondent authorities to direct the release of the petitioners from Divisional Jail, Sheohar, in terms of judgment dated 29.09.2015 passed in Death Reference No. 03 of 2015 with Cr. Appeal (DB) No. 321 of 2015 passed by their Lordships Hon'ble Mr. Justice V.N. Sinha and Hon'ble Mr. Justice Jitendra Mohan Sharma, arising out of S.T. No. 58 of 2011:Shyampur Bhatha P.S. Case No. 27 of 2010 whereby and whereunder their Lordships pleased to set aside the capital punishment awarded by the learned Trial Court and their Lordships further pleased to award the petitioners, rigorous imprisonment for life, with directions that the appellants shall, however, be entitled for grant for remission under section 432 Cr.P.C. after completing 14 years of jail custody including pre-trial period for the reasons indicated in Paragraphs 9 to 18 of the judgment dated 14.09.2015, passed in Death Reference No. 02 of 2015.

(ii) For issuance of any other appropriate writ(s) direction(s) or order(s) as your Lordships may deem fit and proper in the facts and circumstances of the case.

2. Having regard to the fact that petitioner ultimate grievance is in respect of remission.

3. Therefore, pleadings are misleading so as to cover the present matter under writ of habeas corpus. Accordingly,



writ petition stands dismissed reserving liberty to the petitioner
to file appropriate petition.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

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