

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2848 of 2023

In
Criminal Writ Jurisdiction Case No.311 of 2023

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Rupdev Yadav @ Rupdeo Yadav @ Rupu, aged about 70 years, Male, Son of Subhash Yadav, Resident of Village- Babhan Talab, P.S and District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Union of India, through Home Secretary, New Delhi.
3. Mr. Amir Subhani, Chairman-cum-Principal Secretary, Department of Home, Bihar State Sentence Remission Board, Government of Bihar, Patna.
4. Mr. Ajay Kumar Bhalla, Joint Secretary-cum-Director (Administration), Home Department, (Prison), Bihar, Patna.
5. Mr. Chaitanya Prasad, Secretary, Law Department, Government of Bihar, Patna.
6. Mr. Rajvinder Singh Bhatti, Additional Director General of Police, Criminal Investigation Department, Bihar, Patna.
7. Mr. Anjani Kumar, Inspector General, Jail and Reforms Services, Bihar, Patna Cum Secretary, Bihar State Sentence Remission Board.
8. Mr. Rajeev Kumar Jha, Assistant Inspector General, Jail and Reforms Services, Bihar , Patna.
9. Mr. Sanjeev Kumar, Jail Superintendent, Sasaram Jail, Sasaram, Rohtas.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Rakesh Narayan Singh, Advocate
For the Opposite Parties : Mr. P.K. Shahi (Ag)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
and
HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

3 19-04-2024 Heard the parties.

2. The petitioner has filed the present contempt application alleging violation of the order dated 05.04.2023, passed in Cr.W.J.C. No. 311 of 2023, by Division Bench of this



Court directing the State Government to consider the claim of the petitioner for remission by taking a liberal view while passing an order in accordance with law.

3. Learned counsel for the petitioner submits that the petitioner has remained in custody for more than 26 years and he is now 71 years and is not a threat to the society but the opposite parties have rejected the remission claim of the petitioner on the basis of 2002 notification. The Home Department vide notification dated 10.04.2023, annexed as Annexure-P/3 has amended the jail manual, 2012 having rule 481(i)(क) and deleted the word “murder of Govt. Servant on duty”. The benefit of the amended 2012 manual has been given to some convicts but the case of the petitioner has been rejected on the basis of old notification dated 10.12.2002 whereas the allegation against the petitioner is also of killing a government servant on duty.

4. Learned counsel for the opposite parties submits that pursuant to the order dated 05.04.2023, passed in Cr.W.J.C. No. 311 of 2023, the remission claim of the petitioner has been rejected by the Remission Board vide order dated 01.08.2023.

5. Taking into account the fact that the Remission Board has taken a decision pursuant to this Court’s order,



accordingly, we are not inclined to initiate contempt proceeding against the opposite parties. However, the petitioner shall be at liberty to challenge the order rejecting the remission claim before an appropriate forum taking all the points applicable to him.

6. Accordingly, the present contempt application stands rejected with the aforesaid liberty.

(Anil Kumar Sinha, J)

(Chandra Prakash Singh, J)

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