

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.238 of 2025

Arising Out of PS. Case No.-32 Year-2008 Thana- GORIAKOTHI District- Siwan

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Wazir Alam @ Wazir Ahmad @ Wajir Khan Son of Imamuddin Khan R/O-
Vill- Lelaru, P.S- Goreakothi, Distt- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Patna
2. The State Sentence Remission Board through the Principle Secretary, Home Dept., Govt. of Bihar,
3. The Joint Secretary-cum-Director (Administration) Home Dept. (Prison), Bihar Patna
4. The Secretary Law Dept. Government of Bihar, Patna
5. The Additional Director General of Police, Cr. Investigation Dept. Bihar, Patna
6. The Inspector General, Jail and Reforms Sevices Bihar, Patna
7. The Assistant Inspector General, Jail and Reforms Sevice Bihar, Patna
8. The Jail Superintendent Central Jail, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratnakar Pandey, Adv.
For the Respondent/s : Mr.A.A.G.4

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-10-2025 Heard learned counsel for the petitioner as well as

learned counsel for the State-respondents.

02. The petitioner has filed the present petition

seeking the following reliefs:-

*“I. For issuance of an appropriate writ in the
nature of MANDAMUS, commanding and
directing the Respondent. no. 8 to send the
proposal along with relevant reports of the
prescribed Authorities as required under the
law to the State Remission Board for grant of
premature release of the petitioner in*



connection with Sessions Trial No. 239 of 2009 arising out of Goreakothi P.S. Case No. 32 of 2008 in which the petitioner was convicted imprisonment for life and to pay a fine of Rs. 10000/- under Section 302/34 of the Indian Penal Code. In default of payment of fine he was directed to further undergo imprisonment for two years & for offence under Section 27 of the Arms Act, he was further sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 2000/-. In default of payment of fine he was directed to additionally undergo imprisonment of one year vide Order of Conviction and Sentence dated 25.02.2013/28.2.2013 passed by Sri Janardan Tripathy, learned Adhoc Additional District and Sessions Judge- V, Siwan in Sessions Trail No. 239 of 2009. The petitioner was behind the bars since 17.07.2008 and he has already completed more than 16 years of his physical incarceration.

II. For issuance of any other appropriate writ/writs, order/orders direction/directions for which the writ petitioner would be entitled under the facts and circumstances of the case.”

03. Learned counsel for the petitioner submits that the petitioner is a convict in Sessions Trial No. 239 of 2009 arising out of Goreakothi P.S. Case No. 32 of 2008 whereby and whereunder the petitioner was sentenced to undergo imprisonment for life and to pay a fine of Rs. 10000/- for the offences punishable under Section 302/34 of the Indian Penal Code. In default of payment of fine he was directed to further undergo imprisonment for two years & for offence punishable under Section 27 of the Arms Act, he was further



sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 2000/-. In default of payment of fine he was directed to additionally undergo imprisonment of one year vide Order of Conviction and Sentence dated 25.02.2013/28.2.2013. The petitioner is in custody since 17.07.2008. A counter affidavit has been filed in this case and a report has been annexed about the period of custody of the petitioner and in terms of Annexure-C of the counter affidavit the actual custody period of the petitioner on 26.02.2025 was 16 years 5 months 3 days. With remission, the total custody period of the petitioner has been calculated on the same date as 19 years 4 months and 17 days. Thereafter with elapse of time, the petitioner is in custody with remission for about 19 years 10 months. Annexure-B of the counter affidavit is the letter dated 12.10.2017 of AIG, Prisons which directed the Superintendents of the Prisons of Bihar that for premature release of a convict who has completed the actual custody period of 4 years and 20 years with remission, processes for their premature release be initiated four months before the stipulated period. Therefore the State-respondents be directed to send the proposal to the competent authority for the premature release of the petitioner.

04. Learned counsel appearing on behalf of the State-respondents submits that the petitioner has not completed the



total period of 20 years with remission and for this reason prayer was not considered.

05. Having regard to the submission of the learned counsel for the petitioner and as the petitioner has approached this Court with simple prayer of sending the proposal to the competent authority for premature release of the petitioner, the respondent authorities are directed to place the case of the petitioner for premature release before the State Sentence Remission Board along with reports of the prescribed authorities within six weeks from date of this order and the State Sentence Remission Board would take a decision four weeks thereafter.

06. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

Anuradha/-

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