

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.720 of 2025

Arising Out of PS. Case No.-11 Year-2003 Thana- NAUTAN District- Siwan

Santosh Manjhi, male, aged about 45 years, Son of Shivnath Manjhi, Village -Muarpattvi, P.S-Nautan , Distrcit-Siwan

... .. Petitioner

Versus

1. The State of Bihar, Through the Principal Secretary, Home Department, Government of Bihar, Patna
2. The Additional Chief Secretary Home (Prison), Govt. of Bihar, Patna
3. The Inspector General (Prison), Govt. of Bihar, Patna,
4. The Jail Superintendent, Buxar Jail, Bihar
5. The State Sentence Remission Board through the Principal Secretary, Home Department Government of Bihar, Patna

... .. Respondents

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate

For the Respondents : Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

4 13-05-2025 Heard Mr. Ashok Kumar, learned counsel for the petitioner and Mr. Prabhu Narayan Sharma, learned AC to AG for the Respondent-State.

2. The present petition has been filed under Article 226 of the Constitution of India in which the petitioner has prayed that the writ of *Habeas Corpus* be issued and thereby the respondent-authorities be directed to produce the corpus before this Court and further direction be issued to release the petitioner from the jail custody.



3. Learned counsel for the petitioner has referred the averments made in the memo of the petition and thereafter contended that the petitioner has been convicted for committing the offence punishable under Section 302 of the Indian Penal Code *vide* impugned judgment and order dated 28.08.2004 passed by learned Additional District & Sessions Judge-VIth, Siwan in Sessions Trial No.381 of 2003 arising out of Nautan P.S. Case No.11 of 2003. It is further submitted that the petitioner is in custody since more than 20 years, despite which he has not been released by the Jail Authority and even the case of the petitioner for grant of remission has also not been considered by the respondent-authorities. Learned counsel, therefore, urged that appropriate direction be issued to the respondent-authorities.

4. Pursuant to the notice issued by this Court, Mr. Prabhu Narayan Sharma, learned AC to AG for the State, has received the instruction from the concerned respondent-authority. Learned counsel for the respondent-authorities, on the basis of the written instruction, mainly contended that the case of the petitioner for remission was considered by the Remission Board on 20th of February, 2020 and again on 01st of November, 2021. However, Remission Board decided not to grant remission



to petitioner. At this stage, learned counsel for the respondents further submitted that now once again the case of the petitioner will be placed before the Remission Board after following the required procedure in near future. It is further submitted that the petitioner has never challenged the decision taken by the Remission Board in the year 2020 and in the year 2021. Learned Government counsel, therefore, urged that the present petition may not be entertained.

5. We have considered the submissions canvassed by the learned counsels appearing for the parties. We have also perused the material placed on record. From the submission canvassed by learned Government Counsel, it appears that though the petitioner is in custody since the year 2004, his case for grant of remission was considered by the Remission Board twice firstly on 20th of February, 2020 and again on 01st of November, 2021. On both occasions, Remission Board did not entertain the request of the petitioner for grant of remission. It appears that the decision taken by the Remission Board has not been challenged by the petitioner by filing the proceeding before the appropriate forum. Now, it is the specific submission canvassed by learned Government counsel, on the basis of the written instruction, that once again in near future case of the



petitioner will be placed before the Remission Board after following required procedure.

6. In view of the aforesaid facts and circumstances of the case, it cannot be said that the petitioner is in illegal custody as alleged by the petitioner. Therefore, the present petition stands disposed of.

7. However, it is clarified that if the case of the petitioner is not entertained by the Remission Board, it is always open for the petitioner to challenge the said decision by filing appropriate proceeding before appropriate forum including filing of the writ petition before learned Single Judge of this Court.

(Vipul M. Pancholi, J.)

(Sunil Dutta Mishra, J.)

Gaurav Kumar/-

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