

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.975 of 2024

Arising Out of PS. Case No.-1 Year-1994 Thana- CHAUTHAM District- Khagaria

1. Janak Singh @ Janaklal Singh, Son of Late Makhru Singh ,vill- hardiya , PS -Chautham Dist- Khagaria
2. Sulan Singh, Son of Late Makhru Singh vill- hardiya , PS -Chautham Dist- Khagaria
3. Nago Singh @ Nageshwar Singh, Son of Late Makhru Singh, vill- hardiya , PS -Chautham Dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Dept. of Home (prison) Govt. of Bihar, Patna
3. The Secretary, Dept. of Law Govt. of Bihar, Patna
4. The Inspector General, Prison And Reform Services, Govt. of Bihar, Patna
5. The Collector Cum District Magistrate, Begusarai, Bihar
6. The State Sentence Remission Board through its Secretary, Govt. Of Bihar, Patna Bihar
7. The Superintendent, Central Jail Bhagalpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Narayan Singh, Sr. Adv.
For Respondents/State : Mr. Prabhu Narain Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 29-01-2025 This is an application filed by the

convicts/petitioners, who are in incarceration on being sentence

for imprisonment of life, praying for pre-mature release.

2. It appears from the record that the petitioners along

with other accused persons were convicted and sentenced to life

imprisonment by the learned 2nd Additional Sessions Judge,

Khagaria in Sessions Case No. 228 of 1994.



3. While in the Correctional Home, some of the petitioners filed Cr.W.J.C. No. 1355 of 2021, praying for consideration of their cases for pre-mature release, as according to them, they completed 14 years of actual custody and 20 years with remission. The said writ petition was disposed of vide order dated 22nd December, 2022, directing the Chairman of the State Remission Board to convene a meeting of the Board within a period of one month from the date of communication of this order and consider the cases of the petitioners for pre-mature release. An appropriate decision commensurate to the policy of the Government keeping in mind that similarly situated persons are said to have been granted privilege of pre-mature release would be taken in the said meeting and the same will be communicated to the petitioners forthwith.

4. It is contended on behalf of the petitioners that in spite of the specific direction passed by this Court, no meeting of S.S.R.B was convened and the petitioners are still detained in the Correctional Home.

5. The contesting respondent nos. 1, 2, 4, 6 and 7 have filed a counter affidavit stating, inter alia, that on the basis of the order passed by this Court in Cr.W.J.C. No. 1355 of 2021, on 22nd December, 2022, a meeting of S.S.R.B. was convened on



25th January, 2023. However, in the said meeting, the prayer of the petitioners' were rejected because of the adverse report by the Presiding Officer.

6. It is contended on behalf of the petitioners that the Presiding Officer, who found the petitioners guilty and convicted and sentenced them is now retired on superannuation. It is not possible for the Board to obtain his opinion with regard to pre-mature release. Therefore, the contention made by the above named respondent is absolutely false.

7. Having heard the learned counsels for the parties and on careful perusal of the materials on record, this Court records that it is not unnatural that the Presiding Officer, who passed sentence, would be no longer in service to give his opinion about pre-mature release after a lapse of 15/20 years. The report of his successor in Office, who is now holding the said Court, may be obtained to consider the prayer of the petitioners. This Court in previous writ petition hold that the present petitioners are entitled to get a favourable order from the S.S.R.B. because of the fact that co-convicts were released by the Board. The said observation made by this Court in previous writ petition is of paramount in importance. It is also to be noted that there is no adverse report against the petitioners while in



custody. Therefore, the Board is to look into the issue as to whether the petitioners are by now reformed persons or not.

8. Considering such aspect of the matter, the S.S.R.B. is further directed to convene a meeting within one months from the date of this order and will consider the observation of this Court along with other materials and take appropriate decision with regard to the petitioners’ prayer for pre-mature release.

9. With the above order, the instant criminal writ petition is disposed of.

(Bibek Chaudhuri, J)

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