

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.954 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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LALAN SINGH Son of Sachchidanand Singh Resident of village - Kusaidhi,
P.S.- Barbigha, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Home, Bihar, Patna. Bihar
2. The State Sentence Remission Board through its Principal Secretary, Home, Bihar, Patna. Bihar
3. The Law Secretary, Department of Law, Bihar, Patna. Bihar
4. The Inspector General of Prison and Reforms Services, Bihar, Patna. Bihar
5. The Jail Superintendent, Open Jail, Buxar. Bihar
6. The Jail Superintendent, Special Central Jail, Bhagalpur. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Umesh Prasad Mr. Mritunjay Kumar
For the Respondent/s	:	Mr. Prabhat Kumar Verma, AAG 3 Mr. Suman Kr. Jha, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 17-04-2025 Heard learned senior counsel for the petitioner and

learned counsel for the State.

2. By way of this writ application, the petitioner is
seeking the following reliefs as quoted below:-

*a) For issuance of an appropriate writ in
the nature of CERTIORARI for quashing the
decision of the state sentence Remission Board
dated 9.3.2022 so far it relates to the petitioner,
whereby and whereunder the State Sentence*



remission Board has been pleased to reject the case of the petitioner for his pre-mature release inter-alia on the ground that under clause(iv)(kha) of the Notification No.3106 dated 10.12.2002, the petitioner is not eligible to be considered for grant of pre-mature release and also there is no favourable reports of the Superintendent of police and the Presiding Judge.

b) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent authorities to consider the case of the petitioner for pre-mature release and grant him on the ground that now the petitioner has already completed more than 25 years of sentence with remission and more than 20 years of physical incarceration, taking into consideration that the case of the petitioner has been covered under 1984 Policy prevailing at the relevant time of his conviction since the petitioner is the convict of 2006 and almost all the prescribed Authorities recommended for his pre-mature release except Superintendent of Police and Presiding Judge.

c) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent authorities to transfer the petitioner from special central Jail, Bhagalpur to open Jail Buxar since, the wife of the petitioner is suffering from several diseases and living alone in Buxar District.



3. The petitioner is in custody for about 25 years and the sentence awarded to the petitioner in Death Reference No. 3 of 2007 has been modified by the Division Bench of this Court in Cr. Appeal (D.B.) No. 786 of 2007 and the Division Bench of this Court in paragraph 25 of its judgment has held as under:-

There is nothing in the evidence to show that the murders have been committed after any previous planning.

4. There is nothing in evidence that the murders have been committed by doing any previous planning. Though, it is a case of triple murder but the finding of the Division Bench is that the murders have not been committed by doing previous planning.

5. Learned counsel for the State Mr. Suman Kr. Jha has submitted that the case of the petitioner for remission has been rejected because the Superintendent of Police concerned has recommended that no remission can be granted because the murders have been committed after previous planning.

6. The recommendation of the Superintendent of Police is based on erroneous ground as there is a finding by the Division of this Court which has said that the murders have not been committed by doing previous planning.

7. This application is disposed of for fresh



consideration of the remission issue of the petitioner in view of
the observations made above within two months from the date
of receipt/communication of a copy of this order.

(Sandeep Kumar, J)

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