

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.975 of 2023

Arising Out of PS. Case No.-1 Year-2006 Thana- PHULWARIYA District- Gopalganj

Umesh Yadav S/O Bhola Yadav R/O Village-Songarhwa (Bairagi Tola), P.S.-
Phulwaria, Dist.-Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Additional Chief Secretary, Home Bihar, Patna
2. The State Sentence Remission Board Through Its Principal Secretary, Home Bihar, Patna
3. The Law Secretary, Department Of Law Bihar, Patna
4. The Inspector General Of Prison @ Reforms Services Bihar, Patna
5. The Jail Superintendent, Special, Central Jail Bihar, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad, Advocate Mr. Sanjeev Singh, Advocate Mr. Mrityunjay Kumar, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar Verma AAG 3 Mr. Suman Kumar Jha AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-07-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. The following prayer has been made in the present

writ petition:

*i). For issuance of an appropriate writ in the
nature of CERTIORARI for quashing the
decision of the state sentence Remission
Board dated 9.9.2022 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) (ka) of the Notification No.3106 dated 10.12.2002, the petitioner is not eligible to be considered for grant of pre-mature release.

ii). 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 23 years of sentence with remission and more than 17 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.

3. The learned counsel for the State, Mr. Jha has submitted that now the petitioner has qualified for grant of remission and his matter may be referred to the Remission Board for consideration in accordance with law.

4. In view of the above submission of the State



counsel, the petitioner is directed to file a fresh application for remission, which shall be considered by the Remission Board in accordance with law within three months of its filing.

5. With the aforesaid observation and direction, the application is disposed of.

(Sandeep Kumar, J)

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