

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1442 of 2025

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

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Shambhu Mahto S/o Dhaneshwar Mahto R/O Mohalla- Uttari Hazipur, P.S-
Khagaria, Distt- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Patna
2. The State Sentence Remission Board through the Principle Secretary, Home Deptt. Govt. of Bihar Patna
3. The Joint Secretary-cum-Director (Administration) Home Deptt. (Prison), Bihar Patna
4. The Secretary, Law Department, Govt. of Bihar Patna
5. The Additional Director General of Police, Criminal Investigation Deptt., Bihar Patna
6. The Inspector General, Jail and Reforms Services, Bihar Patna
7. The Assistant Inspector General, Jail and reforms Services, Bihar Patna
8. The Jail Superintendent, Open Jail, Buxar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Pandey, Advocate
For the Respondent/s : Mr.Suman Kumar Jha, AC to A.A.G 3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application has been filed for seeking
following reliefs:

I. For Issuance of an appropriate writ in the nature of CERTIORARI for quashing the decision of the State Remission Board dated 01.11.2021 (Annexure-P-3) so far it relates to the petitioner, whereby and whereunder the State Remission Board has been pleased to



reject the proposal of the petitioner for his pre-mature release inter alia on the ground that under clause (iv) (ka) of notification No. 3106 dated 10.12.2002 as also there is no favorable report of Presiding Judge, the petitioner is not eligible for grant of pre-mature release.

II. For issuance of an appropriate with in the nature of MANDAMUS commanding and directing the Respondent Authorities to consider the case of the petitioner for pre-mature release and release him in connection with Sessions Case No. 294 of 2006 arising out of Khagaria P.S. Case No. 576 of 2005 in which the petitioner was convicted imprisonment for life under Section 302 of the Indian Penal Code vide Order of Conviction and Sentence dated 24.06.2008/ 25.06.2008 passed by Sri Aditya Kumar Trivedi, learned Sessions Judge, Khagaria on the ground that now the petitioner has already completed more than 19 years of his physical incarceration as well as completed more than 24 years with remission.

3. Learned counsel for the State submits that as per report of the then Trial Judge, the application of the petitioner has been rejected.

4. In these circumstances, the petitioner is directed to approach the concerned Authority afresh for his release, by way of filing an application, and, if such an application is filed by the petitioner, the same shall be considered afresh in accordance



with law.

5. The Trial Judge will submit a report in accordance with law and, if, he submits a negative report with regard to the petitioner, the grounds for such finding must be given by the Trial Judge.

6. It is expected that the application of the petitioner for premature release will be considered within three months of its filing.

7. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

anand/-

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