

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1613 of 2025**

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

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Ajit Kumar Mandal @ Ajit Mandal, Son of Ajay Mandal, Resident of village-  
Badijhitkiya, Police Station- Maheshkhut, District- Khagaria

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Home Dept, Bihar Govt. Patel Bhawan Patna.
3. The Jail Superintendent, Mandal Kara, Khagaria
4. The Inspector General of Prisons, Bihar, Patna.
5. The District Legal Services Authority, Khagaria

... .. Respondents

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**Appearance :**

For the Petitioner : Mr. Rajnish Kumar Singh, Advocate  
For the State : Mr. P.N. Sharma, AC to A.G.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**and**  
**HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)**

2      02-12-2025                      Heard learned counsel for the petitioner and learned  
  
AC to AG for the State of Bihar.

2. This writ application has been filed seeking the  
following reliefs:-

“i). For issue a writ on the nature of  
"Habeas Corpus" commanding the  
respondents to immediately release  
the petitioner in following cases. As,  
he has already served the sentence in  
all cases.

a). Khagaria Rail P.S. Case No.  
35 of 2021 and G.R. No. 129 of  
2021.

b). Mansi Rail P. S. Case No. 24



of 2014 and G. R. No. 82(A) of 2014.

c). Khagaria Rail P. S. Case No. 37 of 2021 and G. R. Case No. 131 of 2021.

d). Mansi Rail P. S. Case No. 36 of 2021 and G. R. Case No. 130 of 2021.

e). Mansi Rail P. S. Case No. 07 of 2015 and G. R. No.37 of 2015.

f). Khagaria Rail P. S. Case No. 48 of 2021 and G. R. No. 158 of 2021.

ii). For direction to the respondents as well as appropriate authority to release the petitioner as he has served out the sentence. And further submitted that to declare further custody as illegal.

iii). For grant of the other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

**3.** Learned counsel for the petitioner submits that the petitioner has been convicted in the six cases as per Annexure ‘P-1 (series)’ to the writ application and the total sentence awarded to the petitioner has been undergone, still he has not been released from custody. It is contended that the detention of the petitioner despite serving the entire sentence is illegal, arbitrary and unconstitutional.

**4.** A counter affidavit has been filed on behalf of the State. With the counter affidavit, the respondents have enclosed



a copy of Letter No. 4487 dated 22.09.2025 of the Superintendent, Divisional Jail, Khagaria in which he has explained that how the different sentences awarded to the petitioner in the six cases are going to be completed. It is submitted that in the fifth case, i.e. Rail P.S. Case No. 07 of 2015, G.R. (R) No. 37 of 2015, the petitioner has been convicted on 22.03.2023 . He has been awarded a sentence of one year imprisonment. In this case, the date of serving the sentence would be from 17.02.2025 and he has served for 02 months 12 days as under-trial prisoner, therefore, his date of release would be 04.12.2025. In the sixth case, i.e. Rail P.S. Case No. 48 of 2021, GR (R) No. 158 of 2021, the petitioner has been convicted and sentenced vide order dated 31.05.2023 but the date of counting of his sentence shall begin from 05.12.2025 and he has spent 01 month 23 days as under-trial prisoner and 03 months 14 days probation has been allowed to him, therefore, he is likely to complete his sentence on 17.11.2026. In this total period, a period of 30 days has been added on account of the imprisonment for not paying the fine in Rail P.S. Case No. 36 of 2021.

5. Copy of the counter affidavit was served upon learned counsel for the petitioner, however, no rejoinder to the



same has been filed.

6. In view of the explanation furnished by the State, we find no reason to proceed with the writ application.

7. In case, the petitioner feels aggrieved by the calculation of the period shown by the Sate, he would be at liberty to raise this issue before the competent authority and in case, any such issue is raised, the competent authority i.e. the Jail Superintendent, Khagaria shall consider the same and take appropriate view of the matter.

8. This writ application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

**(Sourendra Pandey, J)**

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