

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1419 of 2023

Arising Out of PS. Case No.-105 Year-2008 Thana- DIGHA District- Patna

Dinanath Singh Son Of Ramashrai Singh Resident Of Village- Kurji, Kothiya
Vishram Nagar, Ps- Digha, Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Govt. of Bihar, Patna Bihar
2. The State Sentencen Remission Board Through The Principal Secretary,
Home Dept. Govt. of Bihar Patna, Bihar
3. The Joint Secretary -Cum-Director (Administration), Home Dept. (Prison),
Bihar, Patna Bihar
4. The Secretary Law Dept. Govt. of Bihar, Patna Bihar
5. The Director Genral Of Police, Bihar, Patna Bihar
6. The Additional Director Genral of Police Criminal Investigation Dept. ,
Bihar, Patna Bihar
7. The Inspector General Jail and Reforms Services Bihar, Patna.
8. The Assistant Inspector General Jail and Reforms Service, Bihar, Patna.
9. The Jail Superintendent Special Central Jail, Buxar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Digvijay Kumar Ojha, Advocate Mr. Kamal Kishore Sinha, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 08-01-2025 The petitioner was arrested in connection with Digha

P.S. Case No.105 of 2008 under Section 302 of the I.P.C., since

then he was in custody. He faced custodial trial in Sessions Trial

No.1637 of 2008. The learned Sessions Judge convicted the

accused/petitioner for committing offence under Section 302 of

the I.P.C. vide judgment dated 28.09.2013 and sentence dated

30.09.2013.



2. The petitioner preferred Criminal Appeal (DB) No.1066 of 2013 before the Division Bench of this Court. The appeal filed by the petitioner was dismissed on 05.08.2016. Against the said judgment passed by the Appellate Court, the petitioner preferred a Special Leave Petition (SLP) before the Apex Court, which was registered as SLP No.249 of 2017. The said SLP was dismissed by the Hon'ble Supreme Court on 13.01.2017.

3. By filing the instant writ petition, it is contended by the petitioner that the petitioner has already served more than 14 years of actual custody for committing the offence and the period of his actual incarceration taken into consideration by the State Sentence Remission Board (SSRB), Government of Bihar for his premature release.

4. The respondents have filed a counter affidavit stating inter-alia that for premature release it is mandatory for a proposal to be considered by the State Sentence Remission Board (SSRB), Government of Bihar that the life convict must have served 14 years of actual custody and 20 years of custody with remission. In para-10 of the counter affidavit, the respondents have admitted that the petitioner has so far served 15 years, 02 months and 03 days of actual custody and 18 years,



04 months and 28 days of custody with remission as on 12.08.2023. By this time, he completed more than 19 years custodial detention with remission, for premature release it is the actual custody period, which requires to be looked into.

5. In the instant case, the petitioner has completed more than 15 years of custody as on 12.08.2023.

6. Considering such aspect of the matter, the case of the petitioner is recommended for consideration by the State Sentence Remission Board (SSRB), Government of Bihar in accordance with law.

7. Let, a copy of this order be sent to the Inspector General Jail (respondent No.7) under the State Sentence Remission Board (SSRB), Government of Bihar through Court.

8. The instant writ petition is thus, disposed of.

(Bibek Chaudhuri, J)

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