

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1807 of 2024

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

Yogendra Bhagat S/o Rajbanshi Bhagat R/o vill - Basudeva, P.S. - Bhore,
Distt. - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Gov. of Bihar, Patna Bihar
2. The State Sentence Remission Board through the Principal Secretary, Home Dept. Gov. of Bihar Patna
3. The Joint Secretary-cum-Director (Administration), Home Deptt. (Prison), Bihar Patna
4. The Secretary, Law Department, Gov. of Bihar, Patna Bihar
5. The Additional Director General of Police, Criminal Investigation Dept. Bihar patna
6. The Inspector General, Prisons and Correctional Services, Bihar Patna
7. The Assistant Inspector General, Prisons and Correctional Services, Bihar, Patna Bihar
8. The Jail Superintendent, Special Central Jail, Bhagalpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
Mr. Abhinav Shandilya, Advocate
For the Respondent/s : Mr. Raju Patel, AC to AG

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-11-2025

Heard learned counsel for the petitioner as well
as learned counsel for the State-respondents.

2. The present writ application has been filed
seeking following relief(s):-

*(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 and the same was communicated to*



all concerned vide letter no. 4679 dated 21.04.2022 issued under the signature of Respondent No. 7, so far it relates to the petitioner, whereby and where under the proposal for grant of pre-mature release has been rejected on the ground that there is no favourable report of Superintendent of Police and Presiding Judge as also as per clause (iv) (ka) of Notification No. 3106 dated 10.12.2002, the petitioner is not eligible for consideration of his pre-mature release notwithstanding the fact that in the writ application filed by the petitioner being Cr.W.J.C. No. 209 of 2020, this Hon'ble Court vide judgment and order dated 16.08.2021 held that the petitioner has been convicted prior to 02.07.2007 and thus his case is required to be considered in the light of 1984 policy contained in letter no. 550 dated 21.01.1984.

(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 grant pre-mature release pursuant to the 1984 provision contained in memo no. 550 dated 21.01.1984 on the ground that the petitioner had already completed 14 years of his physical incarceration and 20 years with remission on 06.09.2013 and now he had completed about 25 years of his physical incarceration.

(III) For issuance of any other appropriate writ/writs, order/orders direction/directions for



which the writ petitioners would be entitled under the facts and circumstances of the case."

3. The learned counsel for the petitioner submits that the petitioner was convicted vide judgment dated 21.02.2006 under Section 376 of the Indian Penal Code in Sessions Trial No. 138 of 2000/44 of 2003 and was sentenced to undergo imprisonment for life vide order dated 22.02.2006 by the learned Additional District & Sessions Judge, F.T.C. No. IV, Gopalganj. The learned counsel further submits that the case of the petitioner is not being considered for remission though he has completed more than 14 years of his actual incarceration and more than 20 years with remission. The learned counsel further submits that earlier prayer for premature release of the petitioner was rejected vide order dated 01.11.2021. The learned counsel further submits that the case of the petitioner is covered under the 1984 policy which was prevailing during relevant time, i.e., on the date of conviction of the petitioner and is also covered by the decision of this Court in the case of ***Md. Allauddin Ansari & Ors. vs. The State of Bihar and Ors. (vide order dated 22.12.2022 passed in Cr.W.J.C. No. 861 of 2021 & analogous case).***

4. Learned counsel appearing on behalf of the State- respondents submits that appropriate orders may be



passed and the authorities will consider the case of the petitioner for his premature release in the light of the Rule VI (d) of Notification No. 3106 dated 10.12.2002, which stipulates rejection of the case of a prisoner for premature release on one or more occasion by the Remission Board will not be a bar for reconsideration of his case. However, the reconsideration of the case of a convict already rejected could be done only after the expiry of a period of one year from the date of last consideration of his case.

5. Having regards to the aforesaid facts and circumstances, this writ application is disposed of with direction to the respondent authorities to place the case of the petitioner for his premature release before the State Sentence Remission Board within six weeks and the State Sentence Remission Board would take a decision within six weeks thereafter considering the state policy and judicial pronouncement as the case of the petitioner appears to be covered under the 1984 policy.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2025
Transmission Date	NA

