

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1997 of 2024

Arising Out of PS. Case No.-227 Year-2010 Thana- SAUR BAZAR District- Saharsa

Nitish Kumar @ Nitish Yadav Kusheshwar Yadav @ Kusheshwar Prasad
Yadav R/o - Routa Banshi @ Rauta Kham, P.S - Saur Bazar, District - Saharsa

... .. Petitioner/s

Versus

1. The state of Bihar through the Chief Secretary, Govt. of Bihar, Patna Bihar
2. The Principal Secretary cum Commissioner, dept. of Home, Govt. of Bihar, Patna Bihar
3. The Secretary, Dept. of Law, Govt. of Bihar, Patna Bihar
4. The Director General of Police, Govt. of Bihar, Patna Bihar
5. The Inspector General, Koshi Division, Saharsa Bihar
6. The Inspector General, Jail and Reform Services, Govt. of Bihar, Patna Bihar
7. The Deputy Inspector, Jail and Reform Service, Govt. of Bihar, Patna Bihar
8. The Director, Probation Services, Govt. of Bihar, Patna Bihar
9. The Bihar State Sentence Remission Board through its Chairman Bihar
10. The District Magistrate, Saharsa Bihar
11. The Superintendent of Police, Saharsa Bihar
12. The Superintendent of Divisional Jail Saharsa Bihar
13. The Probation Officer, Home, Jail Department, Bihar, Saharsa Bihar
14. The SHO Saur Bazar, Saharsa Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr Sanjay Kumar Singh
For the Respondent/s	:	Mr. G.P.13
		Mr. Ravi Kumar AC to GP 13
		Mr. Akshay Lal Prasad AC to GP 13

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-04-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. I.A. No. 01 of 2024 has been filed for modification

in the writ application to the extent that in the name of



respondent nos. 10 to 14, the name of the district be inserted as 'Purnea' in place of "Saharsa".

3. For the reasons mentioned in the interlocutory application, *I.A. No. 01 of 2024 is allowed*. The district mentioned in the name of respondent nos. 10 to 14 is modified and the same shall be read as "*Purnea*" in place of "*Saharsa*" in the cause title.

4. The present writ application has been filed for issuance of appropriate order or direction to the respondents to consider the release of the petitioner from the prison by granting him remission of sentence in accordance with law who has been convicted for offence punishable under sections 376 (2) (f) of the I.P.C. and sentenced to undergo life imprisonment (R.I.) and also imposed fine of Rs. 10,000/- (Ten thousand only) and in default of payment of fine convict would undergo to simple imprisonment for a period of six (06) months *vide* Judgment and order dated 11.06.2012 and 18.06.2012 passed by learned 1st Additional Sessions Judge, Saharsa in Sessions Trial No. 136 of 2011 arising out of Saur Bazar P.S. Case no. 227 of 2010.

5. The following statement has been made in paragraph 9 of the counter affidavit which reads as follows:-

"9. That it is further submitted that when the petitioner will complete his custody of



20 years with remission his proposal for pre-mature release will be put up before the Remission Board for consideration and it will be considered accordance with the law.”

6. The learned counsel for the petitioner has submitted that he shall be satisfied if this writ application is disposed of with a direction to the authorities to act as per their statement made in para 9 of the counter affidavit.

7. This application is disposed of with a direction to the I.G., Prisons, Bihar to consider the case of the petitioner for pre-mature release as per the statement made in paragraph 9 of the counter affidavit.

(Sandeep Kumar, J)

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