

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2148 of 2024

Arising Out of PS. Case No.-39 Year-2004 Thana- DALSINGHSARAI District- Samastipur

Munilal Sharma, Son of Saryug Sharma, Resident of Village - Shahpur Pagra,
P.S. - Dalsingh Sarai, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna Bihar
2. The State Sentence Remission Board Bihar, Patna
3. The Joint Secretary-Cum-Director (Administration), Home Dept. (Prison), Bihar, Patna Bihar
4. The Secretary, Law Department, Govt. of Bihar, Patna Bihar
5. The Addl. Director General of Police, Criminal Investigation Department, Bihar, Patna Bihar
6. The Inspector General, Jail and Reforms Services, Bihar, Patna Bihar
7. The Assistant Inspector General, Jail and Reforms 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
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 reliefs :-

*“(I) 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 as*



contained in Memo No. 550 dated 21.01.1984 in connection with Sessions Trial No. 827 of 2004/117 of 2004 arising out of Dalsingsarai P.S. Case No. 39 of 2004 on the ground that the petitioner had already completed more than 20 years of his physical incarceration and more than 26 years with remission.

(II) For issuance of any other appropriate writ/writs, order/orders direction/directions for which the writ petitioner 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 and order dated 25.09.2006 under Sections 302 and 376 of the Indian Penal Code in Sessions Trial No. 827 of 2004/117 of 2004 and was sentenced to death by the learned Additional Sessions Judge, FTC-II, Samastipur. The petitioner preferred Cr. Appeal No. 1128 of 2006 in this Court, which was heard along with Death Reference No. 7 of 2006 and vide judgment dated 04.01.2008, the learned Division Bench of this Court, though upholding the conviction of the petitioner, converted the capital punishment of death to life imprisonment. The learned counsel further submits that the case of the petitioner is not being considered for remission though he has completed more than 25



years of his actual incarceration and more than 30 years with remission. The learned counsel further submits that earlier prayer for pre-mature release of the petitioner was rejected vide order dated 27.08.2021. 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 along



with required reports 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.11.2025
Transmission Date	NA

