

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1874 of 2023

Arising Out of PS. Case No.-92 Year-2009 Thana- BUDDHACOLONY District- Patna

Ramanand Prasad Sinha, S/O Late Jagdish Prasad, R/O Bichali Mandiri, Bapu
Nagar, P.S- Budha Colony, Distt.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna. Bihar
2. The State Sentence Remission Board Through The Principal Secretary, Home Department, Govt. Of Bihar Patna, Bihar.
3. The Joint Secretary-Cum-Director(Administration), Home Department(Prison), Bihar, Patna. Bihar
4. The Secretary, Law Department, Government Of Bihar, Patna. Bihar
5. The Additional 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 Superintendent, Model Central Jail, Beur, Patna. Bihar
9. The Superintendent, Open Jail, Buxar. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ratnakar Pandey, Advocate
For the Respondent/s	:	Mr.Prabhat Kumar Verma, Advocate
		Mr.Suman Kumar Jha, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 09-01-2025 The petitioner has a convict in Sessions Trial No. 1425 of 2009 under Section 302 of the IPC read with Section 27 of the Arms Act.

2. It is the case of the petitioner that Budha Colony P. S. Case No. 92 of 2009 was instituted on 11th May, 2009, and he was arrested on 12th of May, 2009, in connection with the



said case. Since then he is in custody. The aforesaid case ended in conviction by the learned Addl. Sessions Judge Xth, Patna, vide judgement of conviction dated 12th of January, 2012 and order of sentence dated 17th of January, 2012. The petitioner moved this Court in appeal, which was also dismissed on the 17th of July, 2017.

3. It is asserted from the counter affidavit filed by the Respondent No. 9 wherefrom it is ascertained that the petitioner is in actual custody for more than 15 years and in custody with remission for more than 20 years. Therefore, his case is liable to be sent to the State Remission Board, Bihar, for consideration of premature release.

4. In view of such circumstances, the case of the petitioner be sent to the State Remission Board, Bihar, for consideration of premature release, with the observation that while recommending the petitioner, this Court did not consider:-

- (i) whether the offence affects the society at large;
- (ii) the probability of the crime being repeated;
- (iii) the potential of the convict to commit crimes in future;
- (iv) if any fruitful purpose would be served by keeping the convict in prison after more than 15 years of the



commission of offence and

(v) the socio-economic condition of the convict's family.

5. All such aspects shall be dealt with by the Board while considering the premature release of the petitioner.

6. The Board is requested to dispose of the petitioner's application within 60 days from the date of communication of this order.

7. With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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