

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1895 of 2023

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

BHARAT SINGH Son of Late Lalbabu Singh, R/o vill and P.O. -
Dahila, P.S. - Gaighat, Distt. - Muzaffarpur

... .. 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 Sec., Home Dep., Gov. of Bihar, Patna Bihar
3. The Joint Secr.-cum-Director (Administration), Home Dep. (Prison), Bihar, Patna Bihar
4. The Secretary, Law Department, Gov. of Bihar, Patna Bihar
5. The Additional Director General of Police, Criminal Investigation Dep., 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, Shahid Khudiram Bose Central Jail, Muzaffarpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate Mr. Shanditya, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 15-02-2025 The petitioner was convicted and sentenced to imprisonment for life for the offence under Section 302/34 of the IPC. Indisputably, he is in custody for more than 14 years. The petitioner is at present aged about 76 years. Previously, he prayed before the State Sentencing Review Board for his pre-mature release but his prayer was rejected on the ground that he



has not completed 20 years of custody with remission. This prompted the petitioner to file the instant writ petition with appropriate relief. The learned Advocate appearing on behalf of the petitioner refers to a Division Bench decision of this Court in the case of ***Raja Ram Singh v. State of Bihar***, reported in ***2012 SCC OnLine Pat 1798***. In the said case also, the petitioner did not complete 20 years of custody with remission. The Division Bench considered the matter in the light of the principles laid down by the Hon'ble Supreme Court in the case of ***State of Haryana v. Jagdish***, reported in ***(2010) 4 SCC 216***. It was held by the Division Bench of this Court in paragraphs no. 7 to 12 as hereunder.

“7. Learned counsel for the petitioner, draws our attention to the subsequent policy of the State as per Notification dated 10th December, 2002 by which Rule 529 of the Bihar Jail Manual has been substituted. The reference to the said new Rule would show that now the condition of 20 years of imprisonment with remission has been done away with. The only requirement is that the person must



have completed 14 years of physical imprisonment.

8. Of course, there are certain other new disabilities introduced. Suffice to say that the petitioner does not suffer from any of the disability contained therein.

9. In that view of the matter, we are of the opinion that the liberalized policy of 2002 would accordingly apply and it would be a matter for the State Remission Board to reconsider the case of the petitioner in view of the observations made above. In order to clear any confusion, let it be noted that in the earlier judgment delivered by us, namely, Kanti Devi (supra), we had not decided the issue whether a policy which was prevalent at the time when conviction was ordered and was subsequently relaxed, what would be its effect. As noted above, the effect would be as



noted in paragraph no. 54 of the judgment in the case of Jagdish (supra) and its relaxed terms and condition which would apply.

10. In that view of the matter, the writ application is allowed with a liberty to the State Remission Board to immediately reconsider the matter in accordance with the observations and the finding given above in accordance with law.”

2. In view of the Division Bench's decision, relying on the notification dated 10th December 2002, the condition of 20 years imprisonment with remission has been done away with by virtue of the aforesaid notification and the only requirement is that the person must have completed 14 years of physical imprisonment.

3. This Court is bound by the decision passed by the Division Bench of this Court, quoted hereinabove.

4. Under such circumstances, the case of the petitioner be placed before the SRB for consideration of his prayer for premature release favorably in the light of the observation made hereinabove within 60 days from the date of communication of



the order of this Court.

5. The instant writ petition is thus, disposed of on
contest.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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