

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.58 of 2024

Arising Out of PS. Case No.-40 Year-2002 Thana- CHAINPUR District- Kaimur (Bhabua)

Mrityunjay Choubey @ Nachikar Coubey, S/O Late Umashankar Choubey,
R/O Village- Kurai, P.S- Chainpur, Distt.- Kaimur At Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Home Secretary, Govt. Of Bihar. Bihar
2. The Inspector General Of Jail, Patna. Bihar
3. The District Magistrate, Kaimur At Bhabua. Bihar
4. The Superintendent Of Police, Bhabua, Distt.- Kaimur At Bhabua. Bihar
5. The Superintendent Of Jail, Bhabua, Distt.- Kaimur At Bhabua. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Respondent/s : Mr. S.C.24

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 23-01-2025 The petitioner has a convict in Sessions Trial Nos. 42
of 2003 / 130 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 Chainpur P.S.
Case No. 40 of 2002 and he was arrested in the said case and
remained in custody for about 19 years, 8 months and 23 days.
The aforesaid case ended in conviction by the learned
Additional District and Sessions Judge-cum-Fast Track Court-
IV, Kaimur, Bhabua in Sessions Trial No. 42 of 2003/130 of
2009, vide judgement of conviction dated 06.02.2010 and order
of sentence dated 10.02.2010. The petitioner moved this Court



in appeal, which was also dismissed on the 03.05.2017.

3. It is asserted from the counter affidavit filed by the Respondent Nos. 2 to 5 wherefrom it is ascertained that the petitioner is in actual custody for more than 14 years and in custody with remission for more than 19 years. Therefore, his case is liable to be sent to the State Remission Board, Bihar, for reconsideration of premature release. The Board shall take sincere endeavour to obtain the report of the learned District and Sessions Judge, Kaimur, at Bhabua on the point of remission.

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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