

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.262 of 2026

Arising Out of PS. Case No.-199 Year-2002 Thana- MOKAMAH District- Patna

Sudhir Mahto @ Sudhir Kumar, S/o Bishundeo Mahto, R/o Village - Dumri,
P.S - Barahiya, District - Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home
2. The Director General of Police, Government of Bihar, Patna
3. The Joint Secretary-cum- Director (Administration), Home Department (Prison), Government of Bihar Patna,
4. The State Sentence Remission Board through the Additional Director General of Police (Prison) Government of Bihar, Patna
5. The Inspector General, Prison and Reforms Services, Government of Bihar, Patna
6. The Jail Superintendent of Special Central Jail, Bhagalpur, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. AC to AG

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 05-02-2026 Heard learned counsel for the parties.

2. Following reliefs are sought in the present criminal
writ application:

“For issuance of a writ in the nature of habeas corpus directing the respondents to consider the case of the petitioner for grant of remission to him and release him from the Jail who have completed more than 16 years in actual custody and more than 20 years in custody with remission as he has been convicted U/S 364(A) IPC and sentenced R.I. for life and Fine of Rupees 5000/- and in default imprisonment for 3 months by Judgment and



Order dated 27.10.2009 passed by Addl. Sessions Judge, Barh in Sessions Trial No. 1046/2004 arising out of Mokama P.S. Case No. 199/2002, which has been upheld by the Hon'ble Patna High Court by judgment dated 22.07.15 passed in Cr.App.(DB) No. 121 of 2010."

3. Learned counsel for the petitioner submits that the petitioner had earlier approached this Court seeking identical relief, and the said criminal writ application was disposed of by a Co-ordinate Bench of this Court vide judgment dated 08.02.2023 passed in Cr. W.J.C. No. 1193 of 2022, titled Sudhir Mahto @ Sudhir Kumar vs. The State of Bihar & Ors., whereby appropriate directions were issued to the respondent authorities to consider the claim of the petitioner for remission in accordance with law. The relevant part of the said judgment reads as under:

"Therefore, in the present facts and circumstances the present writ application stands dismissed. However, the petitioner is at liberty to approach the Sentence Remission Board after being eligible to be considered for remission of his sentence. In case, the petitioner approaches the Sentence Remission Board after being eligible to be considered for remission of his sentence, the Board shall consider the case of the petitioner and pass reasoned order, after taking into consideration all the necessary and relevant factors.

With the aforesaid observation/direction the present writ application stands disposed of."

4. It is further submitted by the learned counsel for the petitioner that since the grievance of the petitioner still survives,



the present criminal writ application may also be disposed of in terms of the aforesaid judgment dated 08.02.2023.

5. Learned counsel for the respondents does not raise any objection to the prayer so made on behalf of the petitioner.

6. In view of the aforesaid submissions and considering the nature of the relief sought in the present criminal writ application, the same is disposed of in light of the judgment dated 08.02.2023 passed in Cr.W.J.C. No. 1193 of 2022 titled as ***Sudhir Mahto @ Sudhir Kumar vs. The State of Bihar & Ors.***

7. It is further directed that the concerned respondent authorities shall consider the case of the petitioner in accordance with law and pass appropriate orders as expeditiously as possible.

8. Pending application, if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sujit/-

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