

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.367 of 2026

Arising Out of PS. Case No.-35 Year-2010 Thana- SIMRA District- West Champaran

1. Bhola Yadav, Son of Laljee Yadav, Resident of village - Bariarwa, P.S.- Semra, District - West Champaran.
2. Ramakant Yadav, Son of Late Baliram Yadav, Resident of village - Sawana, P.S.- Semra, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna. Bihar
2. The State Sentence Remission Board through the Principle Secretary, Home Department, Government of Bihar, Patna.
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 Service, Bihar, Patna. Bihar
8. The Jail Superintendent, Central Jail, Motihari. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Pandey, Advocate
For the Respondent/s : Mr. Uday Bhan Singh, AC to GP-19

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 18-06-2026

Today hard copy of the counter affidavit has been filed in Court, which is taken on record.

02. Heard learned counsel for the petitioners and learned counsel for the State.

03. The petitioners have filed the present writ petition



seeking following reliefs :-

“I. For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no. 8 to send the proposal along with relevant reports of the prescribed Authorities as required under the law to the State Remission Board for grant of premature release of the petitioners in connection with Sessions Trial No. 22 of 2011 arising out of Semra P.S. Case No. 35 of 2010 in which the petitioner no- 1, 2 were convicted imprisonment for life and to pay a fine of Rs. 5000/- under Section 302 read with Section 149 of the Indian Penal Code. In default of payment of fine they were directed to further undergo rigorous imprisonment of six months & petitioner no-1 was further sentenced to undergo rigorous imprisonment of two years for offence U/s 148 I.P.C. and rigorous imprisonment of six months for offence U/s 323 read with section 149 I.P.C. and petitioner no-2 was further sentenced to undergo rigorous imprisonment of one year for offence U/s 147 I.P.C. and rigorous imprisonment of six months for offence U/s 323 read with section 149 I.P.C vide Order of Conviction and Sentence dated 04.06.2014/06.06.2014 passed by Sri Triloki Nath Tripathy learned Adhoc Additional Sessions Judge- III, Bagha in Sessions Trial No. 22 of 2011 inter alia on the ground that the petitioners were already completed more than 14 years of their physical incarceration as also on the ground that now the petitioner no. 1 had already attained the age of 75 years and petitioner no. 2 had already attained the age of 71 years.



II. For issuance of an appropriate writ in the nature of MANDAMUS. commanding and directing the Respondent State Remission Board to consider the case of petitioners for grant of pre-mature release to the petitioners on the ground that the petitioners have already completed 14 years of their physical incarceration as well as they attained the age of 75 years and 71 years, therefore in view of the provisions contained under clause-(iii)(d) of notification contained in memo no. 3106 dated 10.12.2002, the petitioners are entitled for their pre-mature release.

III. 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”.

04. Now, from the counter affidavit filed on behalf of respondent nos. 1, 2, 3, 6, 7 & 8, I find that the plea taken by the State for not sending the matter of the petitioners to the respondent no.2/State Sentence Remission Board (hereinafter referred to as ‘the Board’) is on the ground that the petitioners have not completed 20 years of incarceration with remission, though they have completed actual incarceration of 14 years. At the same time, it has also been mentioned vide Annexure-R/C & R/D that the petitioners would become entitled for consideration of their cases by the Board on 23.06.2026 and 22.06.2026,



respectively. It has further been mentioned in paragraph 12 of the counter affidavit that the proposal of petitioners for their pre-mature release along with all required reports would be forwarded to the Board as soon as they meet the condition of 20 years incarceration with remission.

05. The learned counsel for the petitioners submits that the State respondents were supposed to send the cases of the petitioners for consideration before the Board six months prior to the completion of actual period of custody of 14 years and 20 years with remission.

06. Nonetheless, if the petitioners are nearing completion of mandatory period of custody of 20 years with remission, the State is duty bound to refer their cases for consideration before the Board.

07. In the light of the aforementioned facts and circumstances, the concerned respondent authorities are directed to place the matter of the petitioners before the Board within a period of four weeks after obtaining all necessary reports from the statutory authorities. Thereafter, appropriate decision in the matter of the petitioners be taken by the Board in accordance with law within a period of next four weeks.

08. With the aforesaid observations/directions, the



present writ petition stands disposed of.

V.K.Pandey/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.06.2026
Transmission Date	18.06.2026

