IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.501 of 2026

CNR No. BRHC010150422026

Arising Out of PS. Case No.-53 Year-2009 Thana- NAANPUR District- Sitamarhi

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1. Md. Rashid @ Rashid S/o Masih Alam R/o vill - Balasath, P.S.- Nanpur, Distt.- Sitamarhi
2. Md. Arsad @ Arsad S/o Masih Alam R/o vill - Balasath, P.S.- Nanpur, Distt.- Sitamarhi

... ... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Bihar
2. The State Sentence Remission Board through the Principal Secretary, Home Deptt., Govt. of Bihar Patna
3. The Joint Secretary-cum-Director (Administration), Home deptt. (Prison), Bihar Patna
4. The Secretary, Law Deptt., Govt. of Bihar, Patna
5. The Additional Director General of Police, Criminal Investigation Deptt. Bihar, Patna
6. The Inspector General, Jail and Reforms Services, Bihar, Patna
7. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna
8. The Superintendent, Special Central Jail, Bhagalpur

... ... Respondents

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Appearance :
For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Ms. Dimpal Kumari, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 29-10-2026 Heard learned counsels for the parties.

2. The present writ petition has been filed seeking following reliefs:

> *"(I) Commanding and directing the Respondent nos. 8 to send the proposal along with relevant reports of the prescribed Authorities as required under the law to the State Remission Board for*

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grant of permanent remission and pre-mature release to the petitioners in connection with Sessions Trial No.73 of 2010, 407 of 2010, 49 of 2010 arising out of Nanpur P.S. Case No. 53 of 2009 in which the petitioners were convicted under Section 302/34 and Section 120B of the Indian Penal Code and sentenced to undergo rigorous imprisonment for life vide judgment dated 31.01.2012 and order on the point of the sentence dated 02.02.2012 passed by the learned Additional Sessions Judge F.T.C.-II, Sitamarhi which was affirmed by the Division Bench of this Hon'ble Court vide judgment and order dated 20.09.2018 in Criminal Appeal (DB)No.284 of 2012.

(II) Commanding and directing the Respondent State Remission Board to consider the case of the petitioners for grant of permanent remission and grant pre-mature release to the petitioners on the ground that the petitioners have already completed more than 14 years of their physical incarceration since they are continuously in jail since the date of their conviction on 31.01.2012 as also during the pendency of trial they were in judicial custody."

3. Learned counsel for the petitioners submits that petitioner no. 2 has been released considering the fact that he has completed fourteen years of actual custody and twenty years with remission. Therefore, learned counsel for the petitioner seeks permission to withdraw the present criminal writ petition in respect of petitioner no. 2, namely Md. Arsad @ Arsad.

4. Permission, as prayed for, is accorded.

5. Accordingly, the present criminal writ petition is dismissed as withdrawn with respect to petitioner no. 2, namely

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Md. Arsad @ Arsad.

6. Now, the present criminal writ petition survives only with respect to petitioner no. 1, namely Md. Rashid @ Rashid.

7. Learned counsel for the petitioner no. 1 submits that petitioner no. 1 had not completed his custody of twenty years with remission though he had completed actual custody period of fourteen years and for this reason his case was not considered for pre-mature release. Now the case of petitioner no. 1 is ripe for consideration even in the light of claim of the respondents regarding the period of custody with remission.

8. Since the petitioner no. 1 has completed the actual period of custody of fourteen years and twenty years with remission, the State respondent authorities, especially the respondent no. 6 (Inspector General, Jail and Reforms Services, Bihar, Patna) is directed to place the case of the petitioner before the State Sentence Remission Board for pre-mature release after obtaining necessary reports from the concerned authorities within two months from the date of this order and two months thereafter the State Sentence Remission Board would dispose of the matter of petitioner no. 1 after due consideration of the relevant statutory provisions as well as judicial precedents.

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9. With the aforesaid direction, the present criminal writ petition stands disposed of.

(Arun Kumar Jha, J)

Shahnawaz/-

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