

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.855 of 2025

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Indra Kumar Thakur @ Indra Kumar Sharma @ Indal Thakur @ Indal Kumar Thakur Son of Yogendra Thakur @ Yogendra Sharma Resident of Village - Raghopur, P.S.- Manigachhi, District - Darbhanga.

... .. 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 Principal Secretary, Home Department, Govt. of Bihar Patna, Bihar
3. The Joint Secretary-cun-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 Services, Bihar, Patna. Bihar
8. The Superintendent, Shahid Khudi Ram Bose, Central Jail, Muzaffarpur. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Singh, Adv. Mr. Abhinav Shandilya, Adv.
For the Respondent/s	:	A.A.G 13

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-02-2026 The present petitioner has been filed seeking the following reliefs:-

“I. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent nos.8 to send the proposal along with as relevant reports of the prescribed Authorities required under the law to the State Remission Board for grant of permanent remission and pre-mature release to the petitioner in



connection with Sessions Trial No.374 of 2010 arising out of Manigachhi P.S. Case No.03 of 2010 in which the petitioner was convicted for 10 years, life, 7 years, capital punishment for the offence under Sections 366A, 376, 201 and 302 of the Indian Penal Code vide judgment respectively and order dated 21.01.2013/23.01.2013 passed by the learned Ad-hoc Additional Sessions Judge-IV, Darbhanga, however the Division Bench of this Hon'ble Court was pleased to convert the sentence imposed on him under Section 302 of the Indian Penal Code from capital punishment to R.I. for life vide judgment and order dated 19.08.2013 passed in Death Reference No.01 of as well as Criminal Appeal (DB)No.357 of 2013 2013.

(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 the petitioner for grant of permanent remission and grant pre-mature release to the petitioner on the ground that the petitioner has remained in Jail since 07.01.2010 and he had already completed 14 years of his physical incarceration on 07.01.2024 and now he had completed more than 15 years of his physical incarceration.

(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.”

02. Briefly stated facts of the case are that Manigachhi



P.S. Case No. 03 of 2010 was lodged on 07.01.2010 for the offences under Section 363, 376, 302, 301 of the IPC against the petitioner on the written report of the informant for enticing away the maternal grand daughter of the informant and further committing rape and killing her and also concealing her dead body. Vide Judgment and order dated 21.01.2013 passed in Sessions Trial No. 374 of 2010 arising out of Manigachhi PS Case No. 03 of 2010 passed by the learned Ad-hoc Additional Sessions Judge-IV, Darbhanga, the petitioner was convicted for the offences under Section 366A, 376, 302 and 201 of the IPC whereby and whereunder he was sentenced to undergo rigorous imprisonment for ten years life, seven years capital punishment for the offences under Section 366A, 376, 302 and 201 of the IPC respectively and all sentences except under Section 302 of the IPC were directed to run concurrently.

03. Learned counsel for the petitioner submits that when the counter affidavit was filed in this case, the period of custody of the petitioner was calculated on 28.06.2025 and the period of actual custody was found to be 15 years 05 months and 21 days whereas the period with remission was 19 years 07 months and 06 days. The matter of the petitioner for premature release was not referred to State Sentence Remission Board due



to absence of qualifying period of custody with remission in terms of the notification of Rule 481 of the Bihar Prison Manual, 2012. Learned counsel further submits that now the petitioner has completed 20 years with remission and the State-authorities be directed to place his matter for consideration before the State Sentence Remission Board in the light of the fulfilling the eligibility period of custody.

04. Learned counsel appearing on behalf of the State/respondents admits the fact that if the period of custody was calculated on 28.06.2025, now the petitioner has become eligible for his matter to be placed before the State Sentence Remission Board. However he submits that the petitioner is not entitled for remission as Bihar Government's Notification No. 3194 of 26.05.2016 amending the Bihar Jail Manual states that convicts sentenced for heinous crimes including rape, rape with murder, dacoity with murder, murder involving offence under the Protection of Civil Rights Act, 1955, murder for dowry, murder of a child below 14 years of age, multiple murder, murder committed after conviction while inside the prison, murder during parole, murder in terrorist incident, murder in smuggling operation are generally excluded from premature release/remission.



05. By way of reply learned counsel for the petitioner submits that the petitioner was convicted on 23.01.2013 and the case of the petitioner is covered by the notification of 2012 which was in vogue till 2016.

06. Having regard to the rival submission and considering the beneficial nature of premature release provision and the case of the petitioner being covered by the 2012 notification, the State/authorities are directed to place the matter of the petitioner before the State Remission Board for premature release and the State Remission Board is directed to pass orders within three months after the matter is placed before it. Prior to that, the requisite reports be collected by the authorities for placing the same before the State Sentence Remission Board within two months.

07. With the aforesaid direction, the present petition is disposed of.

(Arun Kumar Jha, J)

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