

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1597 of 2025**

Arising Out of PS. Case No.-27 Year-2010 Thana- SHYAMPUR BHATHAN District-  
Sheohar

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Hamid Ansari S/o Late Mazhar Ansari @ Alimajhar Ansari R/o Vill- Ramban,  
P.S.- Shyampur Bhataha, Distt- Sheohar

... .. Petitioner/s

Versus

1. The state of Bihar through Chief Secretary, Government of Bihar, Patna Bihar
2. The State Sentence Remission Board Bihar, Patna
3. The Joint Secretary-cum-Director (Administration), Home Department (Prison), Bihar, Patna Patna, Bihar
4. The Secretary, Law Department, Government of Bihar, Patna Bihar, Patna
5. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna Bihar, Patna
6. The Inspector General, Jail and Reforms services Bihar, Patna Bihar, Patna
7. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna Bihar, Patna
8. The Superintendent, Shahid Khudi Ram Bose, Central Jail, Muzaffarpur Muzaffarpur

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr.Vijay Kumar Singh, Advocate  |
|                      |   | Mr. Abhinav Shandilya, Advocate |
| For the Respondent/s | : | Mr. Raghwendra Kumar, SC-22     |

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 16-02-2026**

Heard learned counsel for the parties and I intend



to dispose of the petition at this stage.

2. The present petition has been filed by the petitioner seeking following relief(s):-

*"(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 permanent remission and pre-mature release to the petitioner in connection with Sessions Trial Case No. 58 of 2011 arising out of Shyampur Bhataha P.S. Case No. 27 of 2010 in which the petitioner was convicted under Section 302/149 of the Indian Penal Code and sentenced to undergo capital punishment by the passed by the learned Additional District & Sessions Judge-I, Sheohar but vide judgment and order dated 22.09.2015 passed in death Reference No. 3 of 2015 and Criminal Appeal (DB) No. 321 of 2015, the Division Bench of this Hon'ble Court pleased to set aside the capital sentence imposed on the petitioner; award the petitioner rigorous imprisonment for life however the petitioner be entitled for grant of remission under Section 432 of the Code of Criminal Procedure after completing 14*



*years of jail custody including pre-trial period.*

*(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 02.08.2010 and he had already completed 14 years of his physical incarceration on 01.08.2024 and now he had completed 15 years of his physical incarceration.*

*(III) For issuance of any other appropriate writ/writs, order/orders direction/directions for which the writ petitioner be entitled under the facts and circumstances of the case."*

3. Learned counsel for the petitioner submits that the petitioner has already completed 14 years of actual incarceration and the Hon'ble Division Bench of this Court while hearing the Death Reference No. 03 of 2015 vide judgment dated 22.09.2025 has held that the appellants would be entitled for grant of remission under Section 432 of the Code of Criminal Procedure after completing 14 years of jail custody



including pre-trial period for the reasons indicated in paragraphs 9 to 18 of the judgment dated 14.09.2025, passed in Death Reference No. 02 of 2015. This order is binding upon the State Government/State Remission Board. However, the State has taken a stand in its counter affidavit that the sentence undergone by the petitioner with remission is only 19 years 01 month and 20 days and in terms of Rule 481((i) of Bihar Prison Manual, 2012 certain category of persons undergoing life imprisonment would be entitled for premature release only after undergoing imprisonment for 20 years including remission and under sub-rule 2(c) of Rule 481 the convicts whose death sentence has been commuted to life imprisonment, shall be entitled for premature release only after 20 years. Learned counsel further submits that the Hon'ble Supreme Court in the case of ***Sukhdev Yadav @ Pehalwan Vs. State of (NCT of Delhi) & Others*** passed in Criminal Appeal No. 3271 of 2025 has also held that when in absence of death penalty, life imprisonment for a fixed term of 20 years was imposed, the petitioner would be entitled for release after actual period of incarceration. However, learned counsel submits that in any case, the case of the petitioner could be sent before State Sentence Remission Board four months prior to completion of



period of custody of 20 years with remission and in the light of counter affidavit of the State, this period would start from March, 2026 and therefore, appropriate orders may be passed in this regard.

4. Learned counsel appearing on behalf of the State-respondents reiterates the statement made in the counter affidavit and submits that as the petitioner did not complete the eligibility period of 20 years with remission, his case was not recommended for consideration before State Sentence Remission Board.

5. In the light of submission of the parties, without going into the contention of the learned counsel for the petitioner about applicability of the orders of Hon'ble Division Bench in Death Reference No. 03 of 2025, since the custody of the petitioner with remission was 19 years 01 month and 20 days on 17.08.2025 in terms of counter affidavit of the State-respondents, the State-respondents are directed to put up the case of the petitioner for consideration before the State Remission Board after obtaining necessary reports from the different authorities for consideration of case of the petitioner by the State Remission Board. The report must be obtained within two months from the date of this order and thereafter, the matter



would be placed before the State Remission Board for consideration and State Remission Board shall consider the case of the petitioner within next three months thereafter.

6. With the aforesaid observation and direction, the present petition stands disposed of.

**(Arun Kumar Jha, J)**

DKS/-

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| AFR/NAFR          | NAFR       |
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