

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.136 of 2025

Arising Out of PS. Case No.-260 Year-2007 Thana- NATHNAGAR District- Bhagalpur

Binay Das @ Vinay Das S/o- Late Lakhan Das Village- Po- Bhatoriya Ps-
Madhusudanpur Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna Bihar
2. The State Sentence Remission Board through the Principal Secretary, Home Dept. Govt. of Bihar, Patna Bihar
3. The Joint Secretary-cum Director (Administration) Home Dept. Prison, Bihar, Patna Bihar
4. The Secretary, Law Department, Govt. of Bihar, Patna Bihar
5. The Additional Director General of Police, 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, Special Central Jail, Bhagalpur Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 19-01-2026 Heard learned counsel for the petitioner as well

learned counsel for the State/respondents.

02. The present petition has been filed seeking the
following reliefs:-

(1) 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 pre-mature release of the petitioner in connection with Sessions Trial No.585 of 2008 arising out of Nath Nagar P.S. Case No.260 of 2007 dated 31.10.2007 in which the petitioner was convicted for life under Section 302/34 of the Indian Penal Code vide judgment dated 04.05.2011 and order on the point of sentence dated 07.05.2011 passed by the learned



*Additional Sessions Judge, Fast Track Court
-I, Bhagalpur*

(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 pre-mature release and grant pre-mature release to the petitioner on the ground that the petitioner is behind the bar since 02.11.2007 and he had already completed 17 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.

03. Learned counsel appearing on behalf of the State/respondents at the outset submits that the proposal for premature release of the petitioner was earlier rejected by the State Remission Board (hereinafter 'the Board') vide order dated 20.04.2023 and following the rules for premature release, the case of the petitioner could be considered after one year of the rejection and therefore the Board would consider the case of the petitioner for premature release if proposal is placed before it.

04. Learned counsel appearing on behalf of the petitioner submits that the rejection on the previous occasion was merely on the ground that there was adverse report of superintendent of police and the court which convicted the petitioner but the grounds taken therein were not supported with any reasons and merely in order to deny the petitioner's



premature release, such reports were given. In support of his case, learned counsel referred to a decision of this Court passed in the case of ***Gokul Yadav vs. State of Bihar and Ors., 2025 (4) PJLR 474.***

05. Be that as it may, since more than two years have elapsed when the proposal for premature release was considered by the Board, the State authorities are bound to send a proposal for premature release of the petitioner to the Board which would then be considered by it in terms of parameters and guidelines prescribed by the decisions of the Hon'ble Supreme Court in the cases of ***Rajo @ Rajwa @ Rajendra Mandal v. State of Bihar & Ors., 2023 SCC OnLine SC 1068 & Ram Chander vs. The State of Chhattisgarh & Anr, (2022) 12 SCC 52.*** Such proposal would be sent within a month from the date of the receipt/production of copy of the present order and thereafter the Board will consider the proposal and pass orders within a period of three months.

06. Accordingly, the present writ petition is disposed of.

(Arun Kumar Jha, J)

Anuradha/-

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