

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2229 of 2025

Arising Out of PS. Case No.-66 Year-2010 Thana- BARARI District- Katihar

Sipahi Mahto @ Anil Kumar Mahto Son of Ramashish Mahto Resident of village - Rajjiganj, P.O.- Binji, P.S.- Kodha, District - Katihar.

... .. 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-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 Services, Bihar, Patna. Bihar
8. The Superintendent, Special Central Jail, Bhagalpur. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Shandilya, Advocate
For the Respondent/s : Mr. Nagendra Prasad Yadav, SC-23

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 05-02-2026

Learned counsel Mr. Yash Raj Singh appears and submits that inadvertently the name of learned counsel Mr. Vijay Anand who represents Economic Offence Unit is being shown in the cause list though the Economic Offence Unit is not



party in the present writ petition.

2. Office is directed to correct the same.

3 Heard learned counsel for the parties and I intend to dispose of the petition at this stage.

4. 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 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 grant of permanent remission and premature release to the petitioner in connection with Sessions Trial No. 433 of 2010 arising out of Barari P.S. Case No. 66 of 2010 in which the petitioner was convicted under Section 302 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for life vide judgment and order dated 27.02.2013 and order on the point of the sentence dated 05.03.2013 passed by the learned Ad-hoc Additional Sessions Judge-II, Katihar.

(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 already completed 14 years of his physical incarceration on 06.06.2024 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."

5. Learned counsel for the petitioner submits that the petitioner has already completed actual custody of more than 14 years and prayer for premature release of the petitioner has been rejected on the ground that he has not completed custody of 20 years with remission but the same is not required after the order of Hon'ble Division Bench of this Court in the case of ***Raja Ram Singh Vs. State of Bihar & Ors., (2012) SCC OnLine Pat 1798***. The case of the petitioner is covered by the decision of the Hon'ble Division Bench in ***Raja Ram Singh (supra)***. Learned counsel further submits that by State Notification dated 10th December, 2002, Rule 529 of the Bihar Jail Manual has been substituted and condition of 20 years of imprisonment with remission has been done away with.



Therefore, the only requirement for consideration of the premature release is 14 years of actual imprisonment. Learned counsel submits that the authorities may be directed to place the case of the petitioner before the State Remission Board for premature release along with the requisite reports.

6. Learned counsel appearing on behalf of the State-respondents submits that the Superintendent, Central Jail, Bhagalpur has issued letters and reminders to the concerned authorities, namely Presiding Officer of the learned trial court, Superintendent of Police and Probation Officer requesting them to furnish report as per the guidelines of Hon'ble Supreme Court in the case of *Laxman Naskar Vs. Union of India & Ors.*, AIR 2000 SC 986, so that the proposal for premature release of the petitioner may be submitted before the State Remission Board.

7. In the light of submission of the parties, the State-respondents are directed to place the case of the petitioner for his premature release before the State Remission Board within three months from the date of receipt/production of a copy of this order with all requisite reports and thereafter, the State Remission Board will decide the matter in the light of extent rules as well as judicial pronouncements within next



three months thereafter.

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

(Arun Kumar Jha, J)

DKS/-

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| AFR/NAFR | NAFR |
| CAV DATE | NA |
| Uploading Date | 06.02.2026 |
| Transmission Date | 06.02.2026 |

