

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2601 of 2024

Arising Out of PS. Case No.-100 Year-2003 Thana- UJIYARPUR District- Samastipur

Binod Sah @ Binod Kumar Sah @ Binod Kumar Son of Rajendra Sah
Resident of Village- Paroria, P.S.- Ujyarpur, Distt.- Samstipur

... .. 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
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, Prisons and Correctional Services, Bihar, Patna Bihar
7. The Assistant Inspector General, Prisons and Correctional Services, Bihar, Patna Bihar
8. The Jail Superintendent, Special Central Jail , Bhagalpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate
Mr. Abhinav Shandilya, Advocate

For the Respondent/s : Mr. Raju Patel, AC to AG

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-11-2025

Heard learned counsel for the petitioner as well
as learned counsel for the State-respondents.

2. The present writ application has been filed
seeking following relief(s):-

*(1) For issuance of an appropriate writ in the
nature of CERTIORARI for quashing the*



decision of the State Remission Board dated 27.08.2021, so far it relates to the petitioner, whereby and where under the proposal for grant of pre-mature release has been rejected on the ground that as per clause (iv) (ka) of Notification No. 3106 dated 10.12.2002, the petitioner is not eligible for consideration of his pre-mature release as also there is no favourable report of the Probation Officer and Presiding Officer of the convicting court.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to consider the case of the petitioner for grant pre-mature release in connection with Sessions Trial No. 554 of 2004/30 of 2004 arising out of Ujyarpur P.S. Case No. 100 of 2003 dated 29.07.2003 in which the petitioner was convicted for life under Section 376 of the Indian Penal Code pursuant to the 1984 provision contained in memo no. 550 dated 21.01.1984 as also Rule-481 of the Bihar Prison Manual, 2012 on the ground that the petitioner had already completed more than 21 years of his physical incarceration and 29 years with remission.

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

3. The learned counsel for the petitioner submits that the petitioner was convicted vide judgment dated



24.01.2006 under Section 376 of the Indian Penal Code in Sessions Trial No. 554 of 2004/30 of 2004 and was sentenced to undergo life imprisonment vide order dated 01.03.2006 by the learned 3rd Additional District & Sessions Judge, Samastipur. The petitioner preferred Cr. Appeal (DB) No. 667 of 2006 in this Court, which was heard and vide judgment dated 19.10.2012, the learned Division Bench of this Court upheld the conviction of the petitioner. The learned counsel further submits that the case of the petitioner is not being considered for remission though he has completed more than 21 years of his actual incarceration and more than 29 years with remission. The learned counsel further submits that earlier prayer for premature release of the petitioner was rejected vide order dated 27.08.2021. The learned counsel further submits that the case of the petitioner is covered under the 1984 policy which was prevailing during relevant time, i.e., on the date of conviction of the petitioner and is also covered by the decision of this Court in the case of *Md. Allauddin Ansari & Ors. vs. The State of Bihar and Ors.* (vide order dated 22.12.2022 passed in Cr.W.J.C. No. 861 of 2021 & analogous case).

4. Learned counsel appearing on behalf of the State- respondents submits that appropriate orders may be



passed and the authorities will consider the case of the petitioner for his premature release in the light of the Rule VI (d) of Notification No. 3106 dated 10.12.2002, which stipulates rejection of the case of a prisoner for premature release on one or more occasion by the Remission Board will not be a bar for reconsideration of his case. However, the reconsideration of the case of a convict already rejected could be done only after the expiry of a period of one year from the date of last consideration of his case.

5. Having regards to the aforesaid facts and circumstances, this writ application is disposed of with direction to the respondent authorities to place the case of the petitioner for his premature release before the State Sentence Remission Board within six weeks and the State Sentence Remission Board would take a decision within six weeks thereafter considering the state policy and judicial pronouncement as the case of the petitioner appears to be covered under the 1984 policy.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2025
Transmission Date	NA

