

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (DB) No.352 of 2026**

Arising Out of PS. Case No.-120 Year-2000 Thana- MUSRIGHRARI District- Samastipur

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Ranjit Kumar Jha @ Ranjit Jha Son of Late Kailash Jha Resident of Village -  
Udapatti, Police Station - Musarigharari, District - Samastipur. ... .. Appellant

Versus

The State of Bihar

... .. Respondent

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**Appearance :**

For the Appellant : Mr. Anil Singh, Advocate

For the State : Mr. Dilip Kumar Sinha, Addl PP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
and  
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA  
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)**

4      29-04-2026                      Let the physical copies of the show cause on behalf of  
the Secretary, Department of Home, I.G., Prisons, Bihar, Patna  
and the Jail Superintendent, Central Jail, Muzaffarpur filed by  
learned Additional Public Prosecutor for the State be taken on  
the record.

2. Heard learned counsel for the appellant and learned  
Additional Public Prosecutor for the State.

3. In the present appeal, we are considering the prayer  
of the appellant for suspension of his sentence and release on  
bail during pendency of the appeal. The appellant has been  
convicted vide judgment dated 29.10.2009 and sentenced vide  
order dated 06.11.2009 by learned Additional Sessions Judge,  
Fast Track Court-II, Samastipur in connection with Sessions



Trial No. 17/2006/143/2006 arising out of Musarigharari P.S. Case No. 120 of 2000 for the offences punishable under Section 302 of the Indian Penal Code (in short 'IPC') and Section 25(1-B)a/27 of the Arms Act. He has been ordered to undergo life imprisonment and to pay a fine of Rs.10,000/- for the offence under Section 302 IPC. In case of default of payment of fine, he has to further undergo rigorous imprisonment for one year. For the sake of brevity, the sentences awarded under other sections are not mentioned.

4. Keeping in view the previous order dated 17.04.2026, in the facts of the present case, we are not required to examine the case of the appellant on merit for purpose of suspension of sentence and his release on bail during pendency of the appeal. It is an appeal in which the appellant being a poor person coming from lower strata of the society could not prefer an appeal for 16 years 2 months. Ultimately, with the legal assistance provided by the Patna High Court Legal Services Committee, the present appeal has been preferred. The order dated 17.04.2026 would throw some light on the facts and circumstances under which this appeal has been preferred. We reproduce the order dated 17.04.2026 hereunder for a ready reference:-



**“I.A. No. 1 of 2026**

This interlocutory application has been filed seeking condonation of delay of 16 years 2 months in filing of the appeal.

2. Reasons have been shown in paragraphs ‘2’, ‘3’ and ‘4’ of the application which we reproduce hereunder for a ready reference:-

“2. That the Appellant belonging to lower strata of society is financially poor having no means to engage a counsel. Charge was framed against him in the trial on 1.11.2006 and since then he is in custody and after conviction on 20.10.2009 and sentence on 6.11.2009 he is serving the sentence awarded against.

3. That due to his poor financial condition the Appellant could not engage a counsel to challenge the Appeal after conviction.

4. That the Appellant did apply for free legal aid while in custody but no Advocate was allotted earlier by the Legal aid. Ultimately he applied on 12.1.2026 and also executed Vakalatnama which was duly forwarded through the Deputy Superintendent Shahid Khudi Ram Bose Central Jail, Muzaffarpur.”

3. Learned Additional Public Prosecutor for the State does not dispute that on the appellant making an application for grant of legal aid, the present appeal has been preferred through Patna High Court Legal Services Committee.

4. In fact, this Court has been informed that the appellant who has been convicted for the offences punishable under Section 302 IPC and has been ordered to undergo life imprisonment for the said offence, has already suffered about 21 years of actual incarceration.



5. In the kind of facts and circumstances placed before us, we condone the delay.

6. I.A. No. 1 of 2026 is allowed.

**Criminal Appeal (DB) No. 352 of 2026**

7. This appeal is admitted for hearing.

8. Let the trial court's records be called for from the court of learned Additional Sessions Judge, Fast Track Court No. II, Samastipur in connection with Sessions Trial No. 177 of 2006/143 of 2006 arising out of Musrigharai P.S. Case No. 120 of 2000.

9. In the peculiar facts of this case where it has been brought to our notice that the appellant has remained in incarceration for about 21 years and further from the letter bearing no. 4126 dated 05.05.2025 issued from the office of the Superintendent, Shahid Khudi Ram Bose Central Jail, Muzaffarpur, we have noticed that the appellant is mentally ill and is being treated, we call for :-

(i) A report from the Superintendent, Shahid Khudi Ram Bose Central Jail, Muzaffarpur as regards the treatments which are being provided to the appellant, the complete summary of his illness recorded by the Doctor under whose supervision he is being treated;

(ii) The Home Secretary, I.G. Prison who chairs the Bihar State Sentence Remission Board is called upon to produce the records of the appellant and show the cause to this Court as to why this matter could not be taken up by the Remission Board for all these years for grant of remission.

10. The learned Additional Public Prosecutor shall seek instruction and file affidavits in compliance of the aforesaid order as also show cause as to why the appellant be not released forthwith from the



incarceration.

11. List this matter at the top of the list under appropriate heading on 29<sup>th</sup> April, 2026.

12. Let the order be communicated to all the concerned immediately.”

5. Today, we have gone through the affidavit filed on behalf of the Superintendent, Central Jail, Muzaffarpur. In paragraph ‘6’ of his affidavit, he has stated as under:-

“6. That after completion of 20 years of life sentence, his proposal for premature release has been sent to Prison Head Quarter for consideration by State Sentence Remission Board vide Letter No-4126, dated-05-05-2025 by the office of S.K.R.B Central Jail Muzaffarpur, which however, is possible to be considered in next meeting by the Remission Board.”

6. It is evident from the statement made by the Superintendent, Central Jail, Muzaffarpur that he has not clearly stated about the completion of 14 years of actual custody and 20 years with remission which is the condition required to be fulfilled for purpose of sending the case of a convict to the State Sentence Remission Board (hereinafter referred to as the “Remission Board”). We call upon him to make a clear statement as to when did the appellant complete 14 years of actual custody and 20 years with remission.



7. The I.G., Prison, Government of Bihar has filed an affidavit from which it is crystal clear that only after this Court passed its order on 17.04.2026, the Remission Board got awoken from slumber and the file of this appellant was moved in a hurry. In paragraphs '10' and '11' of his affidavit, the I.G. Prison has stated as under:-

“10. That the proposal of the appellant for pre-mature release was put before the remission board in its meeting dated 21.04.2026.

11. That the Bihar State Sentence Remission Board in its meeting dated 21.04.2026 considered the proposal of the appellant and after due consideration sent their remarks to the competent authority for his decision and approval.”

8. It is evident on a bare reading of the affidavit of I.G., Prison, Bihar, Patna that the proposal sent by the Superintendent, Central Jail, Muzaffarpur remained pending in the office of the Remission Board for more than 11 months. There is no explanation for this inaction.

9. We would like to know that who is responsible for keeping aside the proposal and not placing the same before the Remission Board for eleven months. How many applications are presently pending with the date of their pendency be placed before this Court.

10. We also call upon the Jail Superintendent, Central Jail, Muzaffarpur as well as the I.G., Prison, Bihar, Patna to file



their respective affidavits to show cause as to why this Court should not exercise its *suo motu* power as a Constitutional Court to award appropriate compensation to the appellant for his sufferings because of non-consideration of his case for grant of remission immediately after he became eligible for the same on completion of 14 years of actual custody and 20 years with remission and, in case, this Court comes to a conclusion that an appropriate amount of compensation is required to be given to the appellant, why such amount be not realised from the erring officials so that the Government Exchequer who is the custodian of the public money be not saddled with the burden of paying cost and compensation as has been held by the Hon'ble Supreme Court as well as this Court in catena of judgments.

**11.** In the facts of this case, we direct suspension of sentence and release of the appellant on bail during pendency of the appeal on his personal bond forthwith to the satisfaction of learned Additional Sessions Judge, Fast Track Court-II, Samastipur in connection with Sessions Trial No. 17/2006/143/2006 arising out of Musarigharari P.S. Case No. 120 of 2000.

**12.** Fine, if any, imposed as part of sentence shall remain suspended during pendency of the appeal.



**13.** List this matter for further consideration on 14<sup>th</sup>  
May, 2026 at the top of the list.

**(Rajeev Ranjan Prasad, J)**

**(Soni Shrivastava, J)**

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