

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (Cr.) No. 90 of 2023

Md Yunus Ansari, S/o Albabu Ansari, R/o Bharrah Basti,
P.O. & P.S.- Chas, Dist.- Bokaro.

--- --- **Petitioner**

Versus

1. The State of Jharkhand.
2. The Secretary, Department of Home, Govt. of Jharkhand, Ranchi.
3. The Under Secretary, Department of Home, Jail & Disaster Management, Govt. of Jharkhand, Ranchi.
4. The Inspector General of Prison T.A. Division, Govt. of Jharkhand.
5. The Superintendent of Jail, Lok Nayak Jai Prakash Narayan Central Jail, Hazaribag.
6. The Superintendent of Police, Bokaro.

--- --- **Respondents**

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Lukesh Kumar, Adv.
For the State : Mr. Manoj Kumar, G.A.-III
Mr. Deepankar, AC to G.A.-III

Order No. 24

Dated: 15.07.2026

JUDGMENT

1. Heard Mr. Lukesh Kumar, learned counsel for the petitioner and learned A.C. to G.A.-III.
2. In the writ application, the petitioner has prayed for quashing that part of the Notification No. 4266 dated 20-10-2022 issued by the respondent no. 3, whereby and whereunder, the request of the petitioner for grant of premature release has been rejected. The petitioner has further prayed for a direction commanding upon the respondents to consider the case of the petitioner for premature release strictly in terms of the policy issued vide Memo No. 1647 dated 14-02-1984 and Memo No. 3487/Jail/Patna dated 27-05-1985.

3. By virtue of the amendment application being I.A. No. 2095 of 2024 having been allowed vide order dated 29-01-2026, the petitioner has also challenged the Notification No. 464 dated 25-01-2024 by which the prayer for premature release of the petitioner has once again been turned down by the State Sentence Review Board.

4. The factual aspects of the case reveal that the petitioner was convicted in S.T. No. 84/2001 vide judgment dated 20-05-2004 and was sentenced to rigorous imprisonment for life. The petitioner is in custody for more than 21 years 2 months without remission. The claim of the petitioner for premature release was considered by the State Sentence Review Board, but was rejected vide Notification No. 11/Bandi-01/2016/3172 dated 08-06-2017. The petitioner had again filed a representation for premature release which was once again rejected by the State Sentence Review Board vide Notification No. 353 dated 21-01-2020. The petitioner had thereafter approached this Court in W.P.(C) No. 221/2020 for quashing of the Notification No. 323 dated 21-01-2020 and Notification No. 3172 dated 08-06-2017 and vide order dated 30-11-2021, the matter was remanded back to the State Sentence Review Board to consider the case afresh in the light of the judgment passed in the case of ***State of Haryana & Ors. v. Jagdish*** reported in **(2010) 4 SCC 216** and the judgment passed in W.P. (Cr.) No. 40/2011 and its analogous cases. However, after remand, the claim of the petitioner for premature release has once again been rejected vide impugned Notification No. 4266 dated 22-10-2022 on the ground that the petitioner was involved in a case of gang rape which is a heinous offence and such release cannot be accepted by the society.

5. It has been submitted by Mr. Lukesh Kumar, learned counsel for the petitioner that at the time of conviction of the petitioner, no policy for premature release was formulated by the State of Jharkhand and all cases of premature release was being guided by the 1984 policy which mandated release of a convict on

completion of 14 years in actual custody. The petitioner has remained in custody without remission for more than 21 years. It has been submitted that while rejecting the claim for premature release, the State Sentence Review Board neither has considered the observation made in W.P.(C) No. 221/2020 nor has it taken cognizance of the 1984 policy.

6. Mr. Manoj Kumar, learned G.A.-III has submitted that the release of the petitioner prematurely would be a threat to the society which has been considered by the State Sentence Review Board and which is in consonance and compliance of the order dated 30-11-2021 passed in W.P.(Cr.) No. 14/2021 and its analogous cases. The petitioner is a convict in a case of gang rape and there is a chance of future recurrence and, therefore, the premature release of the petitioner would act against the policy of 2007 of the State of Jharkhand.

7. We have heard the learned counsel for the respective parties and have also perused the affidavits on record.

8. The issue which has been raised in the instant writ application was under consideration in W.P.(Cr.) No. 262/2014 and its analogous cases in which it has been held as follows:

“Thus on consideration of the entire facets of the case it is held that the case of the petitioners shall be guided by the 1984 policy and no other and therefore all these writ applications are disposed of with a direction to the respondents to consider the case of the petitioners for premature release strictly on the basis of 1984 policy dated 28.02.1984.”

9. The State of Jharkhand had come out with a resolution dated 18-04-2007 in which the factors necessary to be considered for premature release of a convict has been enunciated. However, the petitioner having been convicted and sentenced to imprisonment for life in the year 2004 would not be guided by the 2007 policy of the State of Jharkhand, but the policy which was prevalent on the day, when he was convicted. This brings us to the policy of the State

of Bihar dated 24-02-1984 which mandates that a convict who has completed 14 years in custody after his conviction and the total period of 20 years including remission, shall be released. The said policy, therefore, resolves that once the convict fulfils the said criteria, the State Sentence Review Board is bound to release the convict. The word used in the Resolution of 1984 is “shall” and not “may”. However, a Co-ordinate Bench of this Court in W.P.(Cr.) No. 14/2021 and its analogous cases had referred to the case of **State of Haryana & Ors. v. Jagdish** reported in **(2010) 4 SCC 216**, more particularly to paragraph 46 while passing the direction which reads as under:

“In view of the above facts, these matters are remitted back to the Jharkhand State Sentence Review Board to consider in light of the judgment passed by the coordinate Bench and in the case of Jagdish (supra) and pass a fresh order. This exercise shall be completed within a period of three months from the date of receipt/production of a copy of this order.”

10. On a perusal of the impugned Notification No. 4266 dated 22-10-2022, while rejecting the application for premature release of the petitioner, the nature of the crime, the possibility of the society being affected on such release and the propensity to commit such crime being still in existence were the factors which prompted the State Sentence Review Board to come to such conclusion. The case of the petitioner was again put up before the State Sentence Review Board and vide Notification No. 464 dated 25-01-2024, the prayer for premature release was again rejected. The reason assigned is of a gang rape committed upon a girl by 22 persons.

11. It is no doubt true that the petitioner is governed by the 1984 policy, but as the Co-ordinate Bench has rightly observed para 46 of **Jagdish (supra)** will also have a bearing in consideration of premature release. The gravity of the offence has been spelt out in the report of the Additional Sessions Judge-I, Bokaro making a mention as well of the observations made in appeal. The mandatory

release of a convict prematurely as per the 1984 Policy of the State of Bihar has been diluted by virtue of the direction passed in ***Jagdish (supra)***. This would particularly be applicable in a case of this nature where the petitioner along with 21 other accused persons had committed gang rape upon a girl. The State Sentence Review Board, therefore, cannot be faulted for rejecting the premature release application of the petitioner vide impugned notification dated 25-01-2024.

12. Thus, on consideration of the entire facets of the case, I do not find any reason to interfere in the impugned Notification No. 4266 dated 20-10-2022 and Notification No. 464 dated 25-01-2024 so far as the petitioner is concerned and consequently, this writ application stands **dismissed**.

13. Pending I.A.(s), if any, stands closed.

(Rongon Mukhopadhyay, J.)

Dated- 15th July, 2026.

Preet/-

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