

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.229 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- ARRARIA

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Beebi Osila, W/O Kaymul @ Bachhamul @ Riyasul, R/O village Nariya Eraji, P.S. Biurpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar, D.G.P. Bihar Patna
2. The District Magistrate, Araria
3. The Superintendent of Police, Araria
4. The Civil Surgeon, Araria
5. The Superintendent of Jail, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-01-2015

The husband of the petitioner was made accused in Narpatganj P.S. Case No. 9 of 2000 dated 14th January, 2000 registered for the offences punishable under sections 395 and 397 of the Indian Penal Code. He was arrested by the police in connection with the said case and was remanded to judicial custody on 31st May, 2013. While in jail, he died on 11th June, 2013.

It has been contended that due to negligence of the respondents, the husband of the petitioner died inside the jail.

The prayer of the petitioner in paragraph 1 of the present application is as under :-

“1. That, the instant writ application on behalf of the petitioner is being filed for the following relief :-

- I). For issuance of appropriate writ/writs, order/orders, direction/directions directing the respondents to pay appropriate compensation to the petitioner as her husband died during judicial custody due to negligence of the respondents.
- II). For issuance of any other relief/reliefs to which the petitioner may be entitled to in the facts & circumstances of the case.”

Learned counsel for the State has submitted that the deceased prisoner was 70 years old and he died a natural death. While in jail, he complained to the jail authorities for the first time regarding his bad health on 7th June, 2013. Immediately the doctor was called inside the jail to enquire about his health and on the doctor's advice he was rushed to Sadar Hospital, Araria at once on 7th June, 2013. While being treated in Sadar Hospital, Araria, he died on 11th June, 2013. It has been submitted that there was no negligence on the part of the respondents in treatment of the husband of the petitioner.

Having regard to the facts and circumstances of the case, I find no merit in the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

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