

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.405 of 2015

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1. Vijay Yadav S/o Late Ram Darshan Yadav Village - Chotki Hardiyan,
P.O., P.S. - Jagdishpur, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar, through Chief Secretary, Government of Bihar, Old Secretariat, Bihar, Patna.
2. The District Magistrate, Bhojpur, Ara.
3. S.P., Bhojpur, Ara.
4. Superintendent of Jail, Ara, Bhojpur.
5. Dy. S.P. Jagdishpur, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Respondent/s : Mr. Dr. Anshuman (Sc 14)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 01-12-2016 This application has been filed under Articles 226 of the Constitution of India seeking a direction to the State for payment of adequate compensation of Rs. twenty lakhs (20 lacs.) and fair investigation into the death of Ram Darshan Yadav, father of the petitioner, who died in custody in connection with Jagdishpur P. S. Case No. 38 of 2013 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

2. The main allegation of the petitioner is that his father was not provided with adequate medical care and facility when he was in custody in connection with the said case.

3. A counter affidavit has been filed bringing on record a report of the inquiry conducted under Section 176 of the Code of Criminal Procedure, 1973, by the learned Judicial Magistrate, First Class, Bhojpur at Ara. Learned Judicial Magistrate, First Class, Bhojpur at Ara, has concluded in the report that there was no lapse on the part of the jail officials leading to death of father of the petitioner, who was in custody in connection with the said Jadishpur P. S. Case No. 38 of 2013. The said report, dated 29.02.2016 has not been assailed in any proceeding.

4. In such circumstance, this application seeking relief as noted above, cannot be maintained, which is, accordingly, dismissed.

5. It goes without saying that the petitioner shall have the liberty to take appropriate steps as may be permissible to him under law to seek relief as sought for in the present application before appropriate forum.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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