

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2181 of 2015

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Tileshwar Singh S/o Namedhari Singh, Bhokta, Resident of village - Khajurain,
P.S. & P.O. Jaigir, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary
2. I.G. Prisons, Govt. of Bihar, Patna
3. Director General of Police, Bihar, Patna
4. Superintendent of Jails throughout State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Alka Verma, Advocate

For the Respondent/s : Mr. AAG11- ASHOK KUMAR KESHARI

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-04-2017

Petitioner has filed this writ petition *pro bono* in public interest and the grievance canvassed in the writ petition is that large number of people have died on account of assault in police custody and atrocities committed by the police authorities.

This amounts to violation of the rights available to the citizens under Article 21 of the Constitution and further contending that proper facility for treatment of the prisoner in jail is not available and placing reliance of newspaper cutting and giving list of various death said to have occurred in the jail, the writ petition has been filed.

From the pleadings of the writ petition and the



documents available, we find that in certain cases enquiries have also been held and certain actions have also been taken. However, the petitioner wants that an enquiry should be held in each case and the victims compensated by payment of compensation and a list of custodian death since 2011 has been filed, which runs more than 100 of such instances. Except for submitting the list, there is no other material to show as to how and in what manner the allegations made in the writ petition are correct. In the manner the writ petition has been filed, we are not inclined to conduct a roving enquiry and take action in the matter based on the vague and unspecified allegation made particularly when the petitioner has a right to file a complaint before the Human Rights Commission with all details. The Human Rights Commission is equipped and provided with necessary facilities for conducting an enquiry and based on the enquiry conducted the Human Rights Commission can recommend for award of compensation and also take action against the erring officers, if they are responsible for the allegations made and the grievance ventilated in the writ petition.

That being so, we grant liberty to the petitioner to approach the Human Rights Commission with his complaint and it would be for the Human Rights Commission to initiate an enquiry into the matter. Based on the material on record and the pleadings



available, we are not in a position to initiate an enquiry in exercise of a limited jurisdiction under Article 226 of the Constitution.

Accordingly, granting liberty to the petitioner to take recourse to the remedy available of approaching the Human Rights Commission, we dispose of the matter.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.05.2017
Transmission Date	

