

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.981 of 2018

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Amit Kumar @ Bachcha Ray, Son of Rajdeo Ray, Resident of Village-
Kiratpur Rajaram, P.O.+P.S.- Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar, through the Jail Superintendent, Adarsh Central Jail, Beur, Patna.
2. The Superintendent, Patna Medical College and Hospital, Patna.
3. The Principal, Patna Medical College and Hospital, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

4 24-07-2018

This application has been preferred for a direction to the respondent authorities to provide proper medical treatment to the petitioner either at P.M.C.H. or even at Adarsh Central Jail Beur Hospital, Patna. Petitioner has brought on record some medical prescriptions to show that he is still in need of treatment for his survival.

The contention of learned counsel representing the petitioner is that while the petitioner was earlier admitted to P.M.C.H. on 24.05.2017 where he was under treatment till 12.07.2017, now he has been sent back to Beur Jail where he is being deprived of proper treatment and as such his life is at stake.

Responding to the statements made in the writ



application, the respondents have filed a counter affidavit through the Superintendent, Adarsh Central Jail, Beur, Patna. It is stated on behalf of the respondents that only after proper treatment in P.M.C.H. he has been discharged on 12.07.2017. He remained admitted there for almost two and half months for treatment and after his discharge from P.M.C.H. he is being given proper treatment in Adarsh Central Jail, Beur, Patna. It is specifically stated that the petitioner has also been examined by the specialist doctor of Indira Gandhi Institute of Cardiologist Dr. N.K. Singh in Central Jail, Beur on 04.05.2018 and that the petitioner has again been sent to P.M.C.H. on 26.06.2018.

Learned counsel for the petitioner submits that presently the petitioner is back to the Beur Jail where he is in need of treatment.

On going through the averments made in the counter affidavit, this Court does not find any reason to issue any mandamus at this stage because as per the stand of the respondents the petitioner is getting proper treatment and has been provided proper treatment in Adarsh Central Jail, Beur. It is for the competent authority/respondents to provide proper treatment to the petitioner whenever it is required, however this Court makes it clear that the requirement of the petitioner to get treated in a



particular hospital depends on many a things and it is for the competent authority to decide. It is also made clear that where treatment may be provided adequately in the Adarsh Central Jail, Beur, Patna itself there will be no need to send him to P.M.C.H. and his stay in P.M.C.H. will be subject to the health conditions as certified by the doctor and the authority concerned. In the name of treatment in the hospital, the petitioner cannot be allowed to seek a mandamus.

The writ application is, thus, disposed off with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

Arvind/-

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