

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19994 of 2016

Md. Nashim Son of late Abdul Rajjak Resident of Village- Jhingha, P.S.-
Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary Home Govt. of Bihar.
4. The District Magistrate, Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The Jail Superintendent Khudi Ram Bosh Central Jail Muzaffarpur.
7. The Medical Officer, Khudiram Bosh Central Jail, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr.Sheoshankar Prasad-SC-8 with Mr. Anil Kumar, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 24-02-2020 The petitioner's son was arrested in connection with Motipur P.S. Case No. 335 of 2016 lodged for an offence punishable under Section 366A of the Indian Penal Code. He was remanded to Central Jail, Muzaffarpur on 08.12.2015. The petitioner's son died on 16.12.2015 in the Central Jail itself. It is in this background, the petitioner has sought for a direction for an inquiry into the unnatural death of petitioner's son and for payment of appropriate compensation to compensate the death of the petitioner's son in judicial custody.

2. There is no representation on behalf of the



petitioner.

3. A counter affidavit has been filed on behalf of the respondents-State of Bihar, stating therein that a magisterial enquiry was conducted in respect of the death of petitioner's son and upon a thorough enquiry, learned Judicial Magistrate, First Class, (West) Muzaffarpur, the Inquiry Officer, has reached the following conclusions:-

“From the above discussion I am of the opinion that deceased Md. Farooque committed suicide not killed. It is also evident that he was not subjected to torture by jail authority or inmates of the prison. He might be in depression while committing suicide due to his affair and case. However, it is the liability of jail authority to keep its eye on activities of every person kept in jail, to take care of them. If any prisoner commits suicide within the precincts of the jail, it is reflection of clear cut negligene on part of jail authorities.”

4. It has further been stated in one of the supplementary counter affidavits that the matter of the death of the petitioner's son in custody was taken up before the National Human Rights Commission also and in accordance with the order passed by the National Human Rights Commission, sum of Rs. One lac had



been sanctioned for payment to the petitioner.

5. This Court in the present proceeding under Article 226 of the Constitution of India does not have any judicially determinable parameters to assess the adequacy or otherwise of the amount of compensation paid to the petitioner, consequent upon the death of his son, while incarcerating in Central Jail.

6. This writ application is, accordingly, disposed of with the only observation that the petitioner shall be at liberty to approach the Court of competent jurisdiction, if it is his case that the amount of compensation awarded to him does not befit the loss caused to him because of his son's death for which the State respondents/its officials were responsible.

7. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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