

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6100 of 2020

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Court on its own motion on the news item published in The Times of India

... .. Petitioner/s

Versus

1. The Union of India through its Principal Secretary Disaster Management, New Delhi.
2. The State of Bihar Through its Chief Secretary, Patna.
3. The Dept. of Health and Family Welfare Through its Principal Secretary, Govt. of Bihar, Patna.
4. The Dept. of Disaster Management Through its Principal Secretary, Govt. of Bihar, Patna.
5. The Inspector General of Police Bihar.
6. The Dept. of Social Justice Govt. of Bihar, through its Principal Secretary, Patna.
7. The Dept. of Home Through its Principal Secretary, Govt. of Bihar, Patna.
8. The Indian Railway Through its Principal Secretary, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Ashish Giri, Advocate (<i>Amicus Curie</i>)
For the State	:	Mr.S.D. Yadav, AAG-9
		with
		Mr. B.B. Mishra, AC to AAG-9
For the Union of India	:	Dr. K.N. Singh, ASGI
		with
		Mr. Ratnesh Kumar, CGC
		Ms.Prakritita Sharma, AC to ASGI

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

22 23-03-2023 The Court having taken *suo motu* notice of a newspaper article published in the "Times of India" dated 28th of May, 2020 (Patna Edition) had directed to register *suo motu* proceeding in the nature of Public Interest Litigation and accordingly this writ petition came to be registered in the nature



of Public Interest Litigation. The relevant portion of the news item has been quoted in the order dated 28.05.2020, which reads as under:

"Video of a child trying to wake up his dead mother goes viral.

Patna : a video of a toddler trying to wake up his dead mother lying on a railway platform has gone viral on social media. The child can be seen removing a shawl covering his mother's body.

According to officials, the incident took place on Monday at Muzaffarpur railway station. The woman was returning from Surat and was supposed to get down at Katihar. "The train reached Muzaffarpur at 3.30 pm and her dead body was taken out here by relatives accompanying her".

While some reports said the woman died of thirst and hunger on the train, the railways said she was ill, CPRO Rajesh Kumar said. "This woman was mentally unstable and was not keeping well. Government railway police arranged for the transportation of the body to Madhubani, her final destination."

On the same day, a four-year old child too died at Muzaffarpur railway station. An official said this child had returned from Delhi. "He died of heat and exhaustion," a district official said."

On various dates, several orders were passed and affidavits have been filed on behalf of the State of Bihar, last being 19.07.2022, sworn by Secretary, Department of Social Welfare, Government of Bihar. Paragraphs 4 and 5 of the said



counter affidavit read thus :

"4. That in the above mentioned matter, counter affidavit has already been filed earlier. In fact, as soon as the incident came in the knowledge of the authority a team was constituted and accordingly a comprehensive report was submitted by the said team after visit to the native village of the deceased lady and due dialogue with the family members to the District Magistrate, Katihar.

5. That in the light of the recommendations made by the above mentioned team, the children and their guardians were provided all possible support and facilities with amount through different schemes. Social Welfare Department received report from District Magistrate, Katihar sent by his Office vide letter no.1398 dated 29.05.2020 and the same was placed before the Hon'ble Court by the affidavit, filed earlier. "

It is noteworthy that earlier a counter affidavit was filed on 18.06.2020, sworn by the Additional Chief Secretary, Home Department, Government of Bihar, paragraph 5 of which reads as under:

"5. In response to letter No.3054 dated 04.06.2020 of Home Department, Superintendent of Police, Rail, Muzaffarpur vide letter No.21 dated 04.06.2020 has sent supplementary report which states as follows :

(i) That the PM examination of the



dead body could not be conducted as the family member of the deceased namely Md. Wazir insisted upon to had over the dead body to the family and even after great persuasion he was not ready to get the PM examination of the dead body done, coupled with the fact that the railway doctor sent his advice for the PM examination at 17:25 PM long after the handing over the dead body to her family members by SI Rajnaraayan Singh of Muzaffarpur Rail P.S.

(ii) The family of the deceased was provided the ambulance by district administration through which they went to their native village Srimaul, P.S.-Azamnagar, District-Katihar.

(iii) The whole family had left Muzaffarpur before 17:15 PM along with the dead body of the deceased and no complaint at all was made by the aforesaid Md. Wzir, the brother-in-law of the deceased in context to the facts that her death had taken place in any suspicious circumstances rather categorical statement was made by him that she was suffering from mental disorder and she was ill and due to which she died suddenly while travelling.

(iv) That it is humbly submitted that from the statement of the family members/relative of the deceased it is evident that there is no complaint of any suspicious circumstances of her death has been made and as such the same does not attract the ingredients of the provisions as laid down under Section 174 Cr.P.C.

(v) That it is humbly submitted that



in the present atmosphere of Covid-19 crisis, the Postmortem examination of the dead body of the deceased could not be done. However, an enquiry is ordered vide order dated Memo No.-1586/c dated 01.06.20 to identify the erring officer who is responsible for such negligence of not getting Postmortem examination of the deceased done and the necessary disciplinary action, if required, be taken after receipt of the inquiry report of Dy.S.P., Samastipur.

(vi) That the written statement of Md. Wazir in connection with aforesaid facts (SD entry 844 and 845 dated 25.05.2020 of G.R.P. Station Muzaffarpur) and memo of Station Master, Muzaffarpur Jn. (On which railway doctor has given advice for post mortem examination as it was received at Rail P.S.- Muzaaffarpur by ASI Manoj Kumar at 17:25 P.M.) are also being annexed."

In view of the statements made in the aforesaid two counter affidavits, we are of the view that no meaningful purpose is going to be served by keeping the present proceeding pending.

Accordingly, the present *suo motu* proceeding in the nature of Public Interest Litigation stands closed, however, with an observation that a representative of the Home Department, Government of Bihar shall report to the Registrar General of the High Court that children of the deceased are being provided with the benefits as mentioned in the counter affidavit filed on



19.07.2022.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

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