

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5845 of 2020

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Santosh Kumar Choudhary Son of Late Ramadhar Choudhary, Resident of
Village- Belaur, P.S. Udwant Nagar, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Police) Department, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Home (Police) Department, Government of Bihar, Old Secretariat, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Director General, (Prison) Bihar, Patna.
5. The Director (Prison Health Service), Bihar, Patna.
6. The Inspector General (Prisons and Correctional Services), Bihar, Patna.
7. The Superintendent, Mandal Kara, Ara, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.
For the Respondent/s : Mr.Sheeve Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 11-12-2024

1. The present writ petition has been filed for directing the respondents to pay suitable compensation for the loss and damages caused to the petitioner and his family members on account of unnatural death of the father of the petitioner on 04.03.2014, while he was in custody in connection with Udwant Nagar P.S. Case No.352 of 2013.

2. The brief facts of the case, according to the petitioner are that the deceased father of the petitioner, who was a retired constable was taken into custody in connection with Udwant



Nagar P.S. Case No.352 of 2013 and was remanded to Ara Mandal Kara on 17.12.2013. The deceased father of the petitioner was an old man and was hail and hearty, nonetheless, he died on 04.03.2014, after he was referred to the Sadar Hospital, Ara, where he was declared as brought dead, by the hospital authorities. The Inquest Report shows signs of blood stains on the elbow, left ear and left cheek as also blood stains were found on the bed of the deceased father of the petitioner. The cause of death of the deceased father of the petitioner has been stated in the post mortem report as due to some blunt trauma on head caused by some heavy weapon leading to cerebral hemorrhage and fracture of cheek bone leading to cardiorespiratory arrest and death. It is stated that the entire jail authorities, in order to cover up their mistake, had tried to show that the death of the deceased father of the petitioner is a natural death but the fact is that the deceased father of the petitioner was brutally assaulted inside the jail causing serious injuries to him, resulting in his sudden death on 04.03.2014. The petitioner had then filed a complaint before the Human Rights Commission, Bihar, Patna as also before the I.G., Prison, D.G.P., Bihar & other authorities for making independent inquiry and taking appropriate action, however, to



no avail.

3. The learned counsel for the petitioner has further submitted that though the Bihar State Human Rights Commission, Bihar, Patna, has prima facie arrived at a conclusion that the case in hand is not a case of death caused by fall but death caused by violence, as such a case of homicide but had directed the Superintendent of Police, Bhojpur to appoint an inspecting team in the matter and complete investigation as soon as possible, thus had declined to grant any compensation. Thereafter, a final report was submitted by the police on 31.03.2018 putting the case under the category of “Mistake of Facts”. Hence, it is submitted by the learned counsel for the petitioner that since the deceased father of the petitioner has been killed by the jail authorities and no proper investigation has been done by the police, adequate compensation be granted to the petitioner.

4. Per contra, the learned counsel for the respondent-State has submitted by referring to the counter affidavit filed in the present case that the deceased father of the petitioner, namely Late Ramadhar Chaudhary, prisoner at that time, was remanded to judicial custody in the District Jail, Ara on 17.12.2013, by the Ld. Chief Judicial Magistrate, Bhojpur at Ara, in



connection with Udwant Nagar P.S. Case No.352 of 2013, registered under Sections 341/323/448/302/34 of the Indian Penal Code and on his custody warrant, his age was mentioned as 72 years by the Ld. Court of Chief Judicial Magistrate, Bhojpur, Ara.

5. At the time of entry in the prison, health screening of the deceased father of the petitioner was conducted by the Medical Officer of the District Jail, Ara and he was found to be suffering from CHF, cardiac disease (pacemaker implanted), as well as COPD (Asthma). After 10 days of remaining in the prison, the deceased father of the petitioner complained of pain in the right leg, cough and CHF, whereafter he was admitted in the jail hospital of the District Jail, Ara on 27.12.2013 as an indoor patient and was provided with the requisite treatment by the Medical Officer of the prison. In the night of 04.03.2014, at around 8 p.m., the condition of the deceased father of the petitioner deteriorated all of a sudden, he started coughing heavily, became restless, fell down on the ground from his bed and became unconscious, leading to him sustaining some injuries on his face, nonetheless, he was provided immediate medical/first-aid treatment at the jail hospital, whereafter he was rushed to the Sadar Hospital, Ara, for further treatment,



however, he died on the way. Thereafter, information regarding the death of the father of the petitioner was conveyed to the Chief Judicial Magistrate, Bhojpur, Ara, vide letter dated 05.03.2014 as also to the Sub-Divisional Officer, Ara, vide letter dated 05.03.2014 and to the Officer In-charge of the Ara Town Police Station, Ara vide letter dated 05.03.2024, with copies of the same being forwarded to the District Magistrate, Bhojpur at Ara as well as to the Superintendent of Police, Bhojpur, Ara for their information and needful action. Thereupon, a case of unnatural death bearing U.D. Case No.4 of 2014 was instituted by the Officer In-charge, Ara Town Police Station, Ara upon information being given by the then Jail Superintendent. Subsequently, information regarding the death of the father of the petitioner was also sent to the Secretary, National Human Rights Commission, Bihar State Human Right Commission, Inspector General, Prisons, Bihar and Officer In-charge of the Udwant Nagar Police Station, vide Origination No.354 dated 05.03.2014. The family members of the deceased father of the petitioner were also informed vide letter dated 05.03.2014 and were requested to receive the dead body, the Inquest Report and the post mortem examination report, whereafter the family members had received the dead



body of the deceased Ramadhar Chaudhary for cremation. In fact, a judicial inquiry was also conducted in the matter and after examining all the relevant witnesses and other evidences, the Ld. Court of Judicial Magistrate-1st Class, Bhojpur at Ara had submitted an Inquiry Report dated 16.07.2015. The Ld. Judicial Magistrate-1st Class, Bhojpur at Ara had examined altogether 13 witnesses as also considered the materials on record including the post mortem report, FSL report etc. and had come to the following findings in the said report dated 16.07.2015:

“After perusal of the whole set of evidence and available materials on record, this court concludes in its judicial inquiry that Late Ramadhar Chaudhary, being a very old and infirm person fell down from the bed and suffered vital injury on his head and ear which lead to his death. Further at the time of entry into the jail, in the Health Screening report of the prisoner on admission into the jail, it was observed that he was suffering from Cardic/CHF and COPD/Asthma. The previous medical reports from IGIMS of this deceased prisoner also substantiates this fact. The post-mortem report of the deceased under-trial prisoner also leads to the conclusion that the cause of death is due to blunt trauma head caused by some heavy weapon



leading to cerebral haemorrhage and fracture of cheek bone tending to cardiorespiratory arrest and death. The depositions of other under-trial prisoners have also substantiated the fact that they saw him falling down from the bed which caused him serious injuries. Although the family members of the deceased prisoner have alleged the hands of jail administration in his death as before his death, he had complained of not being provided with proper food which irked the jail administration. However the inmates of the jail have not complained of any such thing as alleged by the family members of the deceased prisoner. Hence in the light of the facts as discussed above and on perusal of the entire materials on record and the nature of injury and the medical reports of the deceased prisoner, I do not find any possibility of foul play inside the jail and the death of the accused appears to be accidental in nature.”

6. It is further submitted by the Ld. Counsel for the respondent-State that an FIR bearing Ara (Town) P.S. Case No.522 of 2015 dated 27.11.2015 was also instituted on the direction of the Superintendent of Police, Bhojpur, however, after thorough investigation, the police has submitted final form vide Final Form No.98/2018 dated 31.03.2018 with the remark- “Mistake of Facts”. Thus, it is submitted that the facts



and circumstances of the present case would show that the prison authorities had taken all due care and steps for treating the deceased father of the petitioner, who was an old person and died a natural death on account of his illness.

7. I have heard the learned counsel for the parties and perused the materials on record, from which this Court finds that not only the police has found the case to be a case of “Mistake of Facts” and has submitted final form in connection with Ara (Town) P.S. Case No.522 of 2015 on 31.03.2018 but even the Ld. Court of Judicial Magistrate-1st Class, Bhojpur at Ara, who had conducted a judicial inquiry pertaining to the death of the aforesaid under trial prisoner, namely Late Ramadhar Chaudhary i.e. the deceased father of the petitioner, has upon detailed investigation into the matter as also upon examining as many as 13 witnesses, apart from taking into account the materials on record including the post mortem report and the FSL report has come to a finding that there has been no foul play inside the jail and the death of the deceased father of the petitioner appears to be accidental in nature. This aspect of the matter has not been controverted by the petitioner inasmuch as no rejoinder affidavit has been filed. Thus, this Court finds that there are ample materials on record to show



that the deceased father of the petitioner was not killed by the jail authorities or the other jail inmates as also there has been no foul play inside the jail and the death of the deceased father of the petitioner is accidental which has taken place due to falling from the bed, on account of him being frail and ill, leading to him sustaining serious injuries, which ultimately led to his death.

8. Another aspect of the matter is that a claim of compensation involving disputed question of facts cannot be adjudicated in a writ petition under Article 226 of the Constitution of India. Reference in this regard be had to the judgments rendered by the Hon'ble Supreme Court of India in the following cases:-

(i) Chairman, Grid Corporation of Orissa Ltd. vs. Smt. Sukamani Das, reported in **1999 (7) SCC 298**,

(ii) Babubhai Muljibhai Patel vs. Nandlal Khodidas Barot and Ors., reported in **1974 (2) SCC 706**,

(iii) Shubhas Jain Vs. Rajeshwari Shivam & Ors., reported in **2021 (20) SCC 454**,

(iv) Union of India & Ors. Vs. Puna Hinda, reported in **2021 (10) SCC 690**.

9. Having regard to the facts and circumstances of the



present case and for the foregoing reasons, I do not find any merit in the present writ petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	AFR
CAV DATE	NA
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