

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.575 of 2018

Arising Out of PS. Case No.-68 Year-2012 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Chanda Verma, W/o Late Anand Kumar Verma, Resident of Village-
Badhadwa Siwan, P.S.- Dhaka, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar Through The Director General of Police, Patna, Bihar
2. The Superintendent of Police, East Champaran, Motihari.
3. The Station Head Officer, P.S. Dhaka, District- East Champaran.
4. Manoj Kumar Jha, S/o Birendra Jha, Resident of Koshi Chowk, Saharsa,
P.S.- Saharsa, District- Saharsa, the then Block Development Officer, Dhaka,
P.S.- Dhaka, District- East Champaran.
5. Anand Kumar, S/o not known, the then S.H.O., Dhaka P.S. East Champaran.
6. Janki Nandan Chaudhary, S/o not known, SDPO, Sikrahana, P.S.- Dhaka,
East Champaran.
7. Kumar Vinod, S/o not known, the then SDO, Sikrahana, P.S.- Dhaka, East
Champaran.
8. Ramasharan Mochi, S/o not known, the then ASI, Dhaka, P.S.- East
Champaran.

... .. Respondents

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Appearance :

For the Petitioners	:	Mr. Sangeet Deokuliar, Advocate
For the State	:	Mr. P. K. Verma, AAG-3
		Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 04-12-2025

The present Criminal Writ Petition has been filed
by the Petitioner/Chanda Verma, wife of the deceased, Anand
Kumar Verma seeking, besides other things, compensation on
account of death of her husband, in judicial custody on account
of gross negligence on the part of police officials and authorities



of Central Jail, Motihari.

2. Learned counsel for the Petitioner, at the outset, does not press other reliefs which he has sought in the writ petition.

3. The factual background of this case is that the husband of the Petitioner, Anand Kumar Verma/husband of the Petitioner was made accused in Dhaka P.S. Case No. 217 of 2011 for the offence punishable under Section 384 read with Section 34 of the Indian Penal Code. In that case, he was remanded to Motihari Central Jail on 04.12.2011 with a direction to the Jail Superintendent to provide the accused person with medical aid as per jail manual.

4. The said Anand Kumar Verma was suffering from kidney ailments besides diabetes and high blood pressure. The health of the deceased deteriorated in jail and he finally died on 03.01.2012 in the Sadar Hospital, Motihari.

5. Subsequent to the death of her husband, the Petitioner/wife filed a criminal complaint case before the Sub Divisional Judicial Magistrate, Sikrahana bearing Complaint Case No. 68 of 2012. However, learned S.D.J.M. dismissed the Complaint vide order dated 05.06.2017, passed in Criminal Complaint Case No. 68 of 2012 holding as follows:



“This Court finds that the husband of the Complainant was the victim of the rigid technicalities which delayed in the proper treatment of the victim which caused his death. This court finds that no *prima facie* case is made out against the proposed accused persons under any of the proposed sections; Hence, this complaint petition is dismissed. Office clerk is directed to submit the case record to the record room as per rules.”

(Emphasis Supplied)

6. However, the Petitioner did not challenge this order in Criminal Revision but preferred the present Writ Petition seeking compensation among other things.

7. However, other reliefs are not pressed except the compensation on account of death of her husband in judicial custody.

8. Heard learned counsel for the Petitioner and learned counsel for the State.

9. Learned counsel for the Petitioner submits that this is an established fact in view of the order dated 05.06.2017, passed by learned S.D.J.M. in Complaint Case No. 68 of 2012 that the husband of the Petitioner filed on account of delay in providing proper treatment to her husband. This finding of the Court has not been challenged by the State in any court of law. As such, this finding is final and absolute.

10. He further submits that in view of the aforesaid negligence of the State in providing timely treatment, the State



is liable to give compensation to the Petitioner for the death of her husband in judicial custody.

11. However, learned counsel for the State contests the prayer of the Petitioner for compensation submitting that the Complaint filed by the Petitioner before the Judicial Magistrate for the offence alleged against the State Officials has been dismissed. Hence, there is no reason to award any compensation to the Petitioner for the death of her husband.

12. I considered the submission advanced on behalf of both the parties and perused the material on record.

13. Learned counsel for the State admits that this order dated 05.06.2017 is not challenged by the State before any Court of law. As such, the finding of learned Judicial Magistrate that lack of timely treatment to the deceased led to his death is final and absolute. Such death is not acceptable in a civilized and democratic society. State Officials have to be responsible to discharge their duty to protect the life and liberty of the citizen.

14. However, I find that, instead of directing for any inquiry to fix the responsibility of State Officials for delay in timely treatment of the victim after passage of seven years, it would be more desirable to give some solace to the wife of the victim by way of some compensation.



15. Hence, considering the aforesaid facts and circumstances, the District Magistrate, East Champaran at Motihari is directed to pay Rs. 3,00,000/- to the Petitioner, who is wife of the deceased towards compensation for death of her husband on account of some negligence on the part of the State Officials.

16. This payment must be made within one month after receipt of copy of this order.

17. Office is directed to send a copy of this order to the the District Magistrate, East Champaran at Motihari for information and needful.

(Jitendra Kumar, J.)

Chandan/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A
Uploading Date	09.12.2025
Transmission Date	09.12.2025

