

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1092 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Muzaffarpur

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Lalita Devi, Wife of Dulli Rai, Resident of Village - Dhamaun, Madhopatti,
P.O. - Dhamaun, P.S.- Patori, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through, Principal Secretary, Home Department, Govt. of Bihar Patna
2. Principal Secretary, Home Department, Govt. of Bihar, Patna
3. Deputy Secretary, Cum Director (Home Department) (Jail), Govt. of Bihar, Patna
4. Inspector General of Prisons, Govt. of Bihar Patna
5. District Magistrate, Muzaffarpur
6. Superintendent, Sahid Khudi Ram Bose, Central Prison, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Singh, Advocate Mr. Jyoti Ranjan Jha, Advocate
For the State	:	Mr. Suman Kumar Jha, AC to AAG-3 Ms. Ayushi Lakshmi Verma, Advocate Ms. Rupali Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

9 11-11-2025 The present writ petition has been filed by the wife of the victim/Dulli Rai, who was serving sentence in Shahid Khudiram Bose, Central Prison, Muzaffarpur, as per the judgment of this Court passed in Cr. Appeal (DB) No. 371 of 1993.

2. As per allegation, on 03.07.2020, the husband of the petitioner, Dulli Rai suffered serious injury in his right eye, resulting into permanent loss of his eyesight. As per further allegation, he was attacked by some prisoners in the presence of



jail authorities, resulting into injury in his right eye and permanent loss of eyesight. However, no complaint was entertained by the jail authorities against the attack on her husband. It is further alleged that, in fact, the jail authorities were putting pressure upon her husband to keep mum and not to make any complaint against such attack, otherwise he would face torture in many ways. It is also alleged that he was also made to sleep under open field without any blanket in chilling cold.

3. As per further allegation, the petitioner filed a representation before the Home Secretary and also filed a petition before Human Rights Commission. But till date, no action has been taken against the jail authorities, nor any compensation has been granted to the victim.

4. Hence, the petitioner is seeking penal action against the responsible jail authorities as well as compensation on account of violation of fundamental rights of the victim.

5. However, in counter affidavit, filed on behalf of State and State instrumentalities, it has been denied that there was any deliberate attack on the husband of the petitioner. As a matter of fact, there was some scuffle between the two prisoners in jail on 03.07.2020 and in that scuffle, the husband of the



petitioner got injury in his right eye while mediating between them and later, he was provided treatment in the hospital.

6. I heard learned counsel for the petitioner and learned counsel for the State.

7. From rival submissions of the parties, it is a established fact that the husband of the petitioner, who was serving sentence in Shahid Khudiram Bose, Central Prison, Muzaffarpur, has suffered permanent loss of his eyesight on account of grievous injury received due to some scuffle in jail. This fact itself shows that there was some lapse on behalf of jail administration to maintain law and order and peace in the jail, which resulted into the grievous injury.

8. However, in view of the inquiry report, as claimed by the State in its counter affidavit, there is no deliberate overt act on behalf of jail authorities which resulted into permanent loss of eyesight of the victim.

9. In view of the aforesaid facts and circumstances, the minimum thing required to be done by this Court is to provide compensation to the victim, who has undisputedly suffered permanent loss of eyesight in his right eye. No one can deny that jail administration has failed to maintain law and order and peace in the jail and provide safety and security to the jail



inmates. The aforesaid facts and circumstances constitute sufficient reason for direction to the State to give some reasonable compensation to the victim.

10. At this stage when more than five years have passed, it would be futile and imprudent to direct conduct of inquiry to fix the responsibility of the jail officials for failure to maintain peace in the jail and provide safety and security to the jail inmates.

11. Considering the aforesaid facts and circumstances, the District Magistrate, Muzaffarpur is directed to give Rs. 4 lac to the husband of the petitioner towards compensation for violation of his fundamental right to life.

12. At this stage, learned counsel for the parties inform that on petition of the petitioner, Bihar Human Rights Commission has passed an order directing the State to provide Rupees one lac compensation to the petitioner. However, the same has not been paid till date and one Review Application has been filed by the State against such order of the Commission.

13. Accordingly, the present petition stands disposed of.

(Jitendra Kumar, J)

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