

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1929 of 2024

Arising Out of PS. Case No.-89 Year-2023 Thana- SARMERA District- Nalanda

Birendra Mandal Son of Sita Ram Mandal Resident of Village - Jorawar Dih,
Kawakol, P.S. - Kawakol, District - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Patna Bihar
2. The Additional Chief Secretary, Home Department, Patna Bihar
3. The Director General of Police Bihar, Patna Bihar
4. The Deputy Inspector General of Police Central Range, Patna Bihar
5. The District Magistrate Bihar Shariff Bihar
6. The Superintendent of Police, Bihar Shariff Bihar
7. The S.H.O., Deep Nagar, Nalanda Bihar
8. The Inspector General Prison, Patna Bihar
9. The Jail Superintendent Mandalkara Bihar Shariff Bihar
10. The Chief Surgeon Cum Chief Medical Officer, Sadar Hospital, Bihar Shariff Bihar
11. The Jail Doctor Mandal Kara Bihar Sharif, Nalanda Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha
For the Respondent/s : G.P 17

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-06-2025 Heard learned counsels for the parties.

2. The following prayer has been made on behalf of
the petitioner:-

*(i) For directing the respondents to pay
compensation Rs.50,00,000/- to the petitioner for
the custodial death of his son, namely, Rahul
Kumar who died on 13.05.2023 while he was in
judicial custody remanded from the court of*



Judicial Magistrate, First Class, Bihar Sharif, Nalanda on 10.05.2023 in connection with Sarmera P.S. Case No.89 of 2023.

(ii) For directing the respondents to provide security and safety to the petitioner as the police/jail officials are threatening and pressurizing the petitioner to restrain him to raise the issue of custodial death of his son before any authority/court.

(iii) For directing the respondents to place on record the relevant documents pertaining to the medical examination of the son of the petitioner conducted by the Jail Doctor at the time of entry of the son of the petitioner in the Mandal Kara, Bihar Sharif.

(iv) For issuing direction upon the Jail Superintendent, Mandal Kara, Bihar Sharif to place the medical report of the son of the petitioner while referring him to Sadar Hospital, Bihar Sharif for better treatment.

(v) For issuing direction upon the concerned respondents to take appropriate officials/jail officials including the Jail doctor for the negligence which became the reason for the death of the son of the petitioner who was in their custody since 10.05.2023 till his death 13.05.2023.

(vi) For any other relief(s) to which the petitioner is found entitled to in the facts of the case.



3. There are disputed questions of facts in this writ application. In these circumstances, this writ petition cannot be entertained by this Court. However, this petition is permitted to be withdrawn with liberty to the petitioner to approach the Bihar Human Rights Commission and if such an application is filed, the same shall be entertained by the Bihar Human Rights Commission. The delay in filing the application before the Bihar Human Rights Commission shall be condoned by the Commission in view of the present case being pursued by the petitioner.

4. Accordingly, this writ application stands disposed of.

(Sandeep Kumar, J)

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