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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 25/2025**

RAUSHAN KUMAR MISHRAPetitioner

Through: Mr. Tushar Gupta & Ms. Diksha
Kakkar, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Manoj Pant, APP for the State.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
15.01.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of interim bail for a period of eight weeks, in FIR No. 412/2021, registered at Police Station Vasant Kunj North, Delhi, under Sections 302/482/201/120B/34 of Indian Penal Code, 1860 and Section 27 of Arms Act.
2. The grievance of the applicant, as set out in the grounds of present application, is that he is suffering from lower back pain problems since 2023 and has been receiving treatment in the jail hospital. It is submitted that after the directions of this Court, the applicant was taken for OPD treatment on 30.10.2024, where he was advised to undergo an MRI (Lumber Spine). It is submitted even after the advice of the treating doctor, the jail administration has failed to get his MRI done. It is contended that again on 13.12.2024, the



applicant was sent to OPD at Lok Nayak Hospital and after the regular check-up, the applicant was again advised by the treating doctor to get the MRI done at the earliest. However, the same has not been done yet and the applicant is facing difficulty in carrying out day to day activities.

3. On the last date of hearing i.e. 08.01.2025, medical status report of the applicant was called for. The report dated 13.01.2025 has been received, which is set out below:

Hon'ble Court Matter

आर्य समाज के अध्यक्ष श्रीमान
OFFICE OF THE SENIOR MEDICAL OFFICER
डिस्पेंसरी, केंद्रीय कारागार संभाग-44, टिहार, नई दिल्ली - 110064
DISPENSARY, CENTRAL JAIL NO.03 TIHAR, NEW DELHI - 110064
MO EC/CH-03/2025/144-3 Dated: 13/01/2025

Subject: Medical Status Report of inmate/patient Reushan Kumar Mishra @ Ashu S/o Arun Mishra.

In reference to the Registrar General, Hon'ble High Court of Delhi, New Delhi, seeking medical report of aforesaid inmate/patient to be submitted as per given date.

As per available records, the aforementioned inmate/patient is currently lodged in Central Jail No.03, Tihar since 05.04.2022, after being transferred from Central Jail No.04, Tihar.

As per available records, the inmate/patient is a follow-up case of low back ache with radiculopathy, throat pain and dental carries. He is under regular treatment with jail duty doctors, jail dental surgeon, jail visiting Orthopaedician and SR ENT from D.D.U Hospital, Orthopaedics department of D.D.U Hospital & Lok Nayak Hospital and Dental department of D.D.U Hospital.

Inmate/patient was reviewed in department of Orthopaedics - Lok Nayak Hospital on 30.08.2024, 13.09.2024, 20.09.2024 and 15.10.2024 wherein he was examined by Orthopaedician and advised treatment along with investigations.

On 13.12.2024, inmate/patient was again sent to Department of Orthopaedics - Lok Nayak Hospital wherein he was advised medication and to get MRI L5-Spine done.

The date for MRI L5-Spine was given by department of Radiology - Lok Nayak Hospital for 20.12.2024 but inmate/patient refused for the same stating that he had to appear for an exam and that a fresh date may be taken (copy enclosed).

Inmate/patient was last reviewed by jail visiting SR ENT - D.D.U Hospital on 18.12.2024 for throat pain (on & off) since 06 months. On oropharyngeal examination, congested and edematous uvula was noted. He was advised medication along with other supportive measures.

At present, the general medical condition and vitals are stable and he is being provided all prescribed medications from jail dispensary.

This is submitted for your kind information and onward submission to the Hon'ble High Court.

By
Senior Medical Officer /
Incharge Central Jail Hospital,
Central Jail Hospital No. 03,
Tihar, New Delhi-110064.



4. A perusal of the report received from the concerned Jail Superintendent regarding the current medical condition of the applicant reveals that the applicant himself has refused to undergo the MRI, though the dates for conducting the same were fixed on multiple occasions. It is also mentioned that the present medical condition of the applicant is stable.
5. Considering the same, no ground for grant of interim bail on medical grounds, as mentioned in the present application, is made out.
6. The concerned Jail Superintendent is however directed to ensure that a fresh date for conducting MRI of the applicant is fixed and the same is conducted at the earliest.
7. Accordingly the present application stands disposed of.
8. It is clarified that the matter was not heard on merits of the case.
9. A copy of this order be forwarded to the concerned Jail Superintendent forthwith.
10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 15, 2025/KG

Click here to check corrigendum, if any