

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1229 of 2026

In
Civil Writ Jurisdiction Case No.8631 of 2026

Arising Out of PS. Case No.-98 Year-2023 Thana- BARH District- Patna

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Shobha Devi W/O Karnvir Singh Yadav @ Lallu Mukhiya @ Karnvir Yadav
R/O Ward no. 4, NH 31, Near School, Gulab Bag, P.S.- Barh, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Home Secretary, Government of Bihar, Patna Bihar
2. The Union of India through the Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.
3. The Superintendent, Special Central Jail, Bhagalpur.
4. The District Magistrate, Bhagalpur.
5. The Senior Superintendent of Police, Bhagalpur.
6. The Special Medical Officer, Central Jail, Bhagalpur.
7. The Medical Officer, Special Central Jail, Bhagalpur.
8. The Director, All India Institute of Medical Sciences (AIIMS), New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr.Madhumay Madhup, Advocate Mrs. Neha Kumari Singh, Advocate
For the State	:	Mr.Ajay Behari Sinha, GA-8
For Union of India	:	Mr. Sujit Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-06-2026 The petitioner has approached this Court seeking
following relief(s):-

"i) To issue an appropriate writ, order or direction, including a writ in the nature of Mandamus, commanding the Respondent Authorities concerned, to forthwith take all necessary steps to transfer and admit the



husband of the petitioner, namely, Karanveer Singh Yadav @ Lallu Mukhiya @ Kanrvir Yadav, an undertrial prisoner presently in judicial custody, to the All India Institute of Medical Sciences (AIIMS), New Delhi, or to any other equivalent super-speciality tertiary care institution, for myocardial viability testing or such further specialized cardiac evaluation and treatment, including revascularization, as may be advised by the treating specialists, strictly in accordance with the recommendations of the Medical Board constituted at the Indira Gandhi Institute of Cardiology (IGIC), Patna.

ii) To issue an appropriate writ, order or direction directing the Respondent Authorities concerned to ensure that the aforesaid undertrial prisoner is provided immediate, continuous, adequate and uninterrupted specialized medical treatment, medicines, diagnostic investigations and all ancillary medical facilities at the concerned super-speciality institution under proper escort and security arrangements, at the cost and responsibility of the State, in accordance with his fundamental right to life and health guaranteed under Article 21 of the Constitution of India.

iii) To issue an appropriate writ, order or direction directing the Respondent Authorities concerned to produce before this Hon'ble Court the complete medical records of the undertrial prisoner, including the reports and recommendations of the District Level Medical



Board, the Medical Board of IGIC, Patna discharge summary, referral documents and all consequential actions taken pursuant thereto, so as to satisfy this Hon'ble Court regarding the adequacy and timeliness of the medical care being extended to him.

iv) To issue an appropriate writ, order or direction directing the Respondent Authorities to comply with the recommendations of the Medical Board dated 12.06.2026 and the discharge recommendation dated 15.06.2026, and to ensure that no delay whatsoever is occasioned in facilitating the higher specialized treatment of the petitioner's husband, considering the critical nature of his cardiac ailments and the imminent risk to his life.

v) To issue any other writ, order or direction, including interim directions, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice, equity and good conscience."

02. Heard learned senior counsel for the petitioner as well as learned counsel appearing on behalf of the respondents.

03. Learned senior counsel for the petitioner submits that the husband of the petitioner is in custody in connection with Barh P.S. Case No. 98 of 2023 registered for the offences under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act. The prayer for bail of the husband of the petitioner has been rejected by learned Co-ordinate Bench



vide order dated 21.04.2026 passed in Cr. Misc. No. 4099 of 2026. As an undertrial prisoner, the husband of the petitioner suffered some medical complications and pursuant to the recommendation of Jail Doctor, Bhagalpur he was referred to Jawaharlal Nehru Medical College and Hospital, Bhagalpur on 09.06.2026 for better medical examination. Thereafter, on the same day, a meeting of the District Level Medical Board was convened under the Chairmanship of District Magistrate, Bhagalpur and the Board resolved that the husband of the petitioner be referred to Indira Gandhi Institute of Cardiology (IGIC), Patna for better treatment. Accordingly, the Superintendent, Special Central Jail, Bhagalpur requested the Superintendent, Indira Gandhi Institute of Cardiology, Patna to ensure proper medical treatment of the husband of the petitioner in accordance with the requirement. Subsequently, a Medical Board was constituted under the Chairmanship of Director, Indira Gandhi Institute of Cardiology, Patna which considered the case of the husband of the petitioner and the Medical Board found that the husband of the petitioner.

04. Learned senior counsel further submits that upon clinical evaluation and investigation, he was diagnosed as a known case of Type-II Diabetes Mellitus (T2DM), Systemic



Hypertension (SHTN), and Coronary Artery Disease (CAD), and was found to have suffered an Anterior Wall Myocardial Infarction (AWMI), beyond the window period for thromolytic intervention, with features corresponding to Killip Class III. At the time of assessment, his pulse rate was recorded at 90 beats per minute and his blood pressure at 110/70 mm Hg. Clinical examination of the respiratory system revealed bilateral basal crepitations. The Troponin-I test was positive. Electrocardiography (ECG) demonstrated normal sinus rhythm with ST-T changes in the anterior precordial leads (VI-V6) along with poor R-wave progression. Further evaluation by two-dimensional echocardiography (2D Echo) revealed left ventricular dilatation with left ventricular dimensions measuring approximately 55/48 mm and a dilated left atrium measuring 42 mm. Regional wall motion abnormalities in Left Anterior Descending (LAD) artery territory were noted, along with severe mitral regurgitation, Grade-I left ventricular diastolic dysfunction, severe left ventricular ejection fraction (LVEF) of approximately 30%. The patient was initially managed conservatively and, thereafter, Coronary Angiography (CAG) was performed. The angiographic findings suggested extensive double-vessel coronary artery disease with involvement of



branch vessels, including critical stenosis of the Left Anterior Descending (LAD) artery, complete occlusion of an obtuse marginal branch of the Left Circumflex (LCX) artery, and significant stenotic lesions involving the distal Right Coronary Artery (RCA) and the ostium of the Posterior Descending Artery (PDA). The overall impression recorded was that of diffuse and significant coronary artery disease involving major coronary vessels and branch vessels.

05. Learned senior counsel for the petitioner further submits that having regard to the complexity and severity of cardiac condition of the husband of the petitioner, the Medical Board recommended that the case of the husband of the petitioner be referred to an advance medical center for appropriate revascularization including consideration of advanced interventional or surgical management. The Board specifically advised that the husband of the petitioner be referred to a super-speciality institution, preferably All India Institute of Medical Sciences (AIIMS), New Delhi. Thereafter, the husband of the petitioner was discharged by IGIC, Patna on 15.06.2026. Learned senior counsel further submits that despite categorical recommendations no steps have been taken by the respondent authorities to facilitate the transfer of the petitioner's



husband to AIIMS, New Delhi for myocardial viability testing and further treatment/management. The husband of the petitioner continues to remain in judicial custody without being provided the specialized treatment recommended by the competent Medical Board and such omission by the respondent authorities has caused imminent danger to the life of the husband of the petitioner. Any further delay in implementing the recommendations of the Medical Board may result in irreversible deterioration of his health and may even endanger his life. Learned senior counsel further submits that after being discharged from IGIC, Patna, the husband of the petitioner was taken to the Special Central Jail, Bhagalpur and thereafter as his condition deteriorated he was again sent to Jawaharlal Nehru Medical College and Hospital, Bhagalpur.

06. Learned senior counsel for the petitioner further submits that it is well settled that the prisoners and undertrial prisoners do not cease to enjoy their fundamental rights upon incarceration except to the extent curtailed by law. If the life of the husband of the petitioner is in danger then it is the responsibility of the State to save his life. In course of trial, the undertrial prisoners should be provided adequate medical treatment thereby protecting their life and liberty and in the



present case, it is the recommendation of the Medical Board of IGIC, Patna for referring the petitioner's husband to an advance medical center for protecting the life of the husband of the petitioner. Learned senior counsel further submits that the petitioner is ready to bear the cost of treatment and would also make the payment for availing the facility of air ambulance. Learned senior counsel referred to a number of decisions of the Hon'ble Supreme Court about the maintainability of the writ petition in and also the cases where the High Courts have intervened to provide medical treatment to an undertrial prisoner.

07. On the other hand, learned counsel appearing on behalf of State-respondents submits that while under treatment at IGIC, Patna the condition of the petitioner was stable and thereafter, he was discharged so there is no urgency for passing immediate orders in the matter. Learned counsel also seeks time for filing counter affidavit in this case.

08. I have given my thoughtful consideration to the rival submissions of the parties. The husband of the petitioner is an undertrial prisoner and he is in judicial custody in connection with Barh P.S. Case No. 98 of 2023. If the husband of the petitioner has developed some medical condition requiring



urgent treatment at higher centre, recourse open to the petitioner was not to approach this Writ Court at first instance for further treatment in custody rather he ought to have sought the intervention of the Court concerned for getting the treatment or ought to have prayed for provisional bail for the said purpose. But the petitioner did not chose to exercise her option and perhaps, under wrong impression, rushed to this Court by filing the present writ petition.

09. However, taking a lenient view of the matter and making a departure from the normal course wherein this Court refrain from entertaining writ petitions if alternative and efficacious remedy is available, this Court, after taking into consideration the seriousness of the condition of the husband of the petitioner and in the light of the recommendation of the Medical Board of IGIC, Patna, is inclined to intervene in the matter since the Medical Board of IGIC, Patna has recommended the husband of the petitioner for treatment before higher centre specially AIIMS, New Delhi. Therefore, the respondent authorities are directed to take steps for treatment of the husband of the petitioner before AIIMS, New Delhi. For this purpose, within 48 hours of the passing of the order, the respondent no. 5, the Senior Superintendent of Police (SSP),



Bhagalpur would furnish details of the cost to be deposited by the petitioner's husband for treatment before AIIMS, New Delhi. The petitioner would also apprise the SSP, Bhagalpur about the details of conveyance since it has been submitted on behalf of the petitioner that the petitioner intends to take facility of Airbus/air ambulance for taking her husband to the AIIMS, New Delhi for his treatment. Thereafter, the SSP, Bhagalpur would ensure that the husband of the petitioner is taken to the AIIMS, New Delhi with full security and get him admitted after completion of all formalities within next three days subject to availability of conveyance which is to be provided by the petitioner. Once the treatment of the husband of the petitioner is completed in AIIMS, New Delhi he would be sent back to Special Central Jail, Bhagalpur without any delay.

10. Accordingly, the present petition stands disposed of.

11. Office is directed to communicate this order to all concerned forthwith.

(Arun Kumar Jha, J)

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