

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 1049 of 2024

Mithilesh Kumhar @ Mithilesh Pandit

... .. **Appellant**

Versus

The State of Jharkhand **Respondent**

CORAM :HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Shailesh Kumar Singh, Advocate

For the State : Mr. Satish Prasad, APP

Order No. 09 : Dated 15th September, 2025

I.A. No. 9306 of 2025

- 1.** Reference may be made to order dated 11th September, 2025.
- 2.** Pursuant thereto, Dr. Siddhartha Sanyal, Director-in-Chief, Health Services; Dr. Rahul Kumar, Medical Officer, Central Jail, Hazaribagh and Mr. Jeetendra Kumar, Superintendent of Jail, Lok Nayak Jai Prakash Narayan Central Jail, Hazaribagh are present before this Court.
- 3.** The photocopies of some of the documents have been placed before this Court for its perusal.
- 4.** The Medical Officer, Central Jail, Hazaribagh has submitted that the appellant has been transferred from Dhanbad District Jail to Lok Nayak Jai Prakash Narayan Central Jail, Hazaribagh on 10.08.2024.
- 5.** It has been stated that the appellant was in judicial custody since 02.06.2023 in Dhanbad District Jail.

6. It has been stated that he was found to be infected with 'Human Immunodeficiency Virus' [HIV] and as such he was kept in isolation and now getting treatment in ART Centre, Hazaribagh.

7. The Jail Superintendent, Central Jail, Hazaribagh or the Medical Officer, Central Jail, Hazaribagh or the Director, Health Services are not in a position to say about the detection of said virus upon the petitioner since as per them the appellant at the time of taking in custody in the district of Dhanbad has refused to go for the aforesaid test.

8. The spirit of order, which we have passed on 11.09.2025, is to ascertain what is the reason of such infection of the present appellant since it has been stated that the appellant is in custody since 02.06.2023 and he has been transferred to Lok Nayak Jai Prakash Narayan Central Jail, Hazaribagh on 10.08.2024. Then the position from 02.06.2023 till the date of his transfer from Dhanbad District Jail to Lok Nayak Jai Prakash Narayan Central Jail, Hazaribagh is not being known in absence of non-availability of any documents either with the Jail Superintendent, Central Jail, Hazaribagh or Medical Officer, Central Jail, Hazaribagh.

9. This Court, therefore, is of the view that to ascertain the situation of period from 02.06.2023 till 09.08.2024 the Jail

Superintendent, District Jail, Dhanbad and the Medical Officer, District Jail, Dhanbad are required to be present along with all original documents, showing therein the reason of refusal, as has been taken note at the time of going inside the judicial custody i.e., 2.06.2023. If the appellant has refused to go for the medical examination, then the question arises *is it available for such inmates to refuse such medical examination? If yes, then under what provision of law such refusal has been accepted by the authority concerned. If not, then why the relaxation has been given by not examining the appellant.*

10. Further, the Jail Superintendent, District Jail, Dhanbad and the Medical Officer, District Jail, Dhanbad are directed to come out with entire medical report of medical examination of all other inmates of District Jail, Dhanbad carried out in between 02.06.2023 till 10.08.2024 i.e., the date on which the appellant has been transferred to Central Jail, Hazaribagh.

11. The Court is of the view that this incident is not just a medical tragedy for the individual but a potential failure by prison authorities to provide a safe and hygienic environment for inmates, and it shows a serious breach of human rights that demands systemic reform.

12. In course of hearing, attention has been drawn towards the other critical issues such as overcrowding and poor healthcare provisions in the central jails as also negligent approach of the jail authorities in not properly examining the jail inmates/convict before they are sent in detention.

13. Since the concern of this Court is to put restriction upon the spread of this virus amongst the jail inmates and as such the appearance of Principal Secretary, Health, Medical as also the Secretary, Home and Prison are required.

14. Accordingly, the Secretary, Department of Health, Medical Education & Family Welfare, Government of Jharkhand; the Secretary, Home, Jail & Disaster Management, Govt. of Jharkhand; the Jail Superintendent, District Jail, Dhanbad and the Medical Officer, District Jail, Dhanbad as also the Medical Officer, Central Jail, Hazaribagh and the Superintendent of Jail, Lok Nayak Jai Prakash Narayan Central Jail, Hazaribagh are directed to appear on the next date of hearing.

15. Today, the Director, Health Services, Namkum has also appeared, taking into consideration the concern of the Court, his appearance is also required to assist the Court on the next date of hearing.

16. List this Court on **25th September, 2025 at 2.15 PM.**

17. This Court hereby directs the learned APP that whatever documents he intends to rely upon the same be brought on record by way of filing affidavit by serving copy of the same upon learned counsel for the appellant including the documents which is to be filed by the Dhanbad District Jail, so far the appellant is concerned.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

15th September, 2025

Alankar/