

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.353 of 2021**

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Shivani Kaushik

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

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With

**Civil Writ Jurisdiction Case No.17398 of 2018**

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Rohit Kumar

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

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With

**Civil Writ Jurisdiction Case No.9639 of 2021**

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Gaurav Kumar Singh

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 353 of 2021)

For the Petitioner/s	:	Ms. Shivani Kaushik (In Person) Mr. Mrigank Mauli, Amicus Curiae
For the UOI	:	Dr. K.N.Singh (ASG) Mr. Anshuman Singh, Advocate
For the Respondents	:	Ms. Kanak Verma, CGC Mr. Abhimanyu Singh, Advocate Sri S. N. Pathak, Advocate
For the State	:	Mr. Vikas Singh, Sr. Advocate Mr. Lalit Kishore, AG Mr. Anjani Kumar, AAG-4 Mr. S.D. Yadav, AAG-9 Mr. Alok Kumar Rahi, A.C. to AAG-4 Mr. Anmol Chandan, Advocate
For Respondent No. 5	:	Mrs. Binita Singh, Advocate
For Respondent No. 6	:	Mr. Shivender Kishore, Sr. Advocate
For the Respondents	:	Mr. S.D. Sanjay, Sr. Advocate
For the PMCH	:	Mr. P. K. Shahi, Senior Advocate
For PMC	:	Mr. Prasoon Sinha, Advocate
For DMCH	:	Mr. Bindhyachal Rai, Advocate
For GMC	:	Mr. Rabindra Kr. Priyadarshi,
For the Intervener	:	Mr. Rajiv Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 17398 of 2018)

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate  
Mr. Jitendra Kumar Bharti, Advocate  
Ms. Kanchan Jha, Advocate  
Mr. Rohit Kumar No. 1, Advocate  
Ms. Parul Prasad (Amicus Curiae)  
Mr. Rohit Kumar (In Person)  
For the State : Mr. Subhash Prasad Singh, GA-3For  
Respondent No. 6 : Mr. Kumar Ravish, Advocate  
For the Respondents : Mr. Shivendra Kishore, Sr. Advocate  
Ms. Binita Singh, Advocate  
Ms. Parul Prasad, *Amicus Curiae*

(In Civil Writ Jurisdiction Case No. 9639 of 2021)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate  
Mr. Nikhil Singh, Advocate  
For the UOI : Dr. K.N. Singh (ASG)  
Mr. Anshuman Singh, CGC  
For AIIMS, Patna : Mr. Binay Kumar Pandey, Advocate  
For the State : Mr. Lalit Kishore, Advocate General.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

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**(The Court proceedings are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their homes/offices.)**

17 07-05-2021

**Re : IA No. 01 of 2021 & 02 of 2021**

in

**CWJC No.353 of 2021 and analogous matters.**

Heard learned counsel for the parties at length. We have perused the order dated 6<sup>th</sup> of May, 2021 and also the details given in the counter affidavit filed today with regard to the availability of oxygen. We find that in Paragraphs 4, 5 and

6, details have been given with regard to the oxygen and it has been ensured that within few weeks sufficient quantity of oxygen will be made available in the State of Bihar.

With regard to other aspects of the matter, such as medicines, black-marketing and audit with regard to availability of oxygen for the different places, affidavit will be filed by the State by 10<sup>th</sup> of May, 2021.

In such view of the matter, for the present, we are not required to pass any order today.

However, it is expected that the State of Bihar shall give the required details so that the Court will be able to understand each and every aspect of the matter, such as, availability of medicines, black-marketing and also availability of oxygen gas cylinders in the rural areas, especially the district hospitals because the migrants are coming and there is a chance that the person in the rural area may get infected. The State should also ensure that the medicines as well as all infrastructures are made available at the district level also.

The State must also ensure early vaccination of the age group 18 to 45 years, as it is large chunk of the population

and it has been seen in the newspaper that the death rate of that class is very high.

List this case on 10<sup>th</sup> of May, 2021 at 10:30  
A.M.

**(Sanjay Karol, CJ)**

**(Shivaji Pandey, J)**

Vishwambhar/PKP

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