

**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

For the State : Mr. Lalit Kishore, AG  
Mr. Anjani Kumar, AAG-4  
Mr. S.D. Yadav, AAG-9  
Mr. Alok Kumar Rahi, A.C. to AAG-

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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

Ms. Parul Prasad (Amicus Curiae)  
Mr. Rohit Kumar (In Person)  
For the State : Mr. Anjani Kumar, AAG IV  
Mr. Subhash Prasad Singh, GA-3  
For Respondent No. 6 : Mr. Kumar Ravish, Advocate  
For the Respondents : Mr. Shivendra Kishore, Sr. Advocate  
Ms. Binita Singh, Advocate

(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 S. KUMAR  
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

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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.)**

23 17-05-2021

Heard learned counsel for the parties

Dr. K. N. Singh, learned Additional Solicitor

General informs that State's request for enhancement of oxygen (LMO) stands favourably considered by the appropriate authority/Central Government. Now the State is entitled to supply of 400 Metric Tonnes (MT) of oxygen (LMO). We

appreciate the efforts put in by Dr. K. N. Singh in pursuing the matter at the appropriate level.

Let an affidavit of the Principal Secretary, Health Department, Government of Bihar verifying such fact be filed within next two days. Equally, he shall inform the sufficiency or lack thereof, of the infrastructure for transporting the entire allocated quota of oxygen (LMO). Equally, he shall apprise the Court of the infrastructure for storage and transportation up to the point of end user.

We have perused the affidavit dated 16.05.2021 filed by the Chief Secretary, Government of Bihar as also the affidavit of the same date, filed by the Commissioner, Patna Division, under whose jurisdiction, Buxar District falls.

On the issue of dead bodies found flowing in River Ganges at Buxar, the Commissioner has elaborately dealt with and explained in paragraphs no. 5 and 6 of the affidavit. In Kaimur District, no dead body was found as River Ganges does not flow through this District. In so far as District Buxar is concerned, on 15<sup>th</sup> May, 2021, the District Magistrate, Buxar sent a detailed report, both on the recovery and disposal of the dead bodies. In all 81 dead bodies were found flowing in River Ganges, 71 on 10.05.2021; 6 on 11.05.2021; and 4 on 12.05.2021. Immediately, postmortem of all the dead bodies was got conducted and DNA profiling carried out. After following

the position in the entire District and that too of persons belonging to all faith. Also it is not clear from both the affidavits as to whether the deaths occurred/persons cremated were suffering from Covid-19. It would also be important to ascertain the age group of these persons. All such facts needs to be clarified.

At this point in time, we do not comment anything further on these affidavits, save and except observe that all facts first must be verified from all sources and then only placed before us, else it will amount to filing of false/incomplete affidavit.

We notice that the official Website maintained by the State of Bihar for recording the births and the deaths has not yet been updated. We see no reason as to why the deaths, be it 6 or 789, would not have been updated on the official website. Equally, this would apply to all the Districts of Bihar.

Let an affidavit clarifying the issues be filed by both the deponents before Thursday, i.e. 20.05.2021, for which purpose, we list these matters on Friday, i.e. 21.05.2021 at 10:30 A.M.

The Court Master is directed to send the copies of

both the counter affidavits to all the learned counsel appearing in these proceedings so as to enable them to respond to the same.

We may point out that information furnished needs to be collated in a format which can be done by a technically qualified person. As such we direct the State to depute with the learned Advocate General at least two technically qualified persons having proficiency in computers for updating the data in the format.

List tomorrow, i.e. 18.05.2021, at 10.30 A.M. for consideration of the reports of the experts as also the learned *Amicus Curiae*.

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

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