

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp. CD-75/14 & CD-105/14

Case of Md. Shamim @ Shamim Akhtar: (Compensation to the deceased's family)

16.7.2015

DIG, Prisons Mr. U.K. Sharan and SP, Katihar, Mr. Kshatranil Singh present.

A young man (Md. Shamim @ Shamim Akhtar, s/o Sabir Hussain, village Unaso Pachgachhi, PS, Salmari of district Katihar), 30-35 years old died in the jail premises (Divisional Jail, Katihar on 19.7.2014). According to the respondents he died because of a fight between two groups within the jail. A charge sheet has been filed against four inmates of the jail u/s 302 IPC. Departmental inquiry has been initiated against certain officers of the jail which is in progress.

Prima facie the officers of the jail have also been negligent to control the event which must have taken considerable time looking into the injuries as reported in the post-mortem. During this period, the jail authorities should have been able to control the people without loss of life. Prima facie, it appears that there has been criminal negligence if not abetment on the part of the jail authorities and unfortunately this aspect of the matter has not been considered by the Investigating Officer while investigating the case. The SP present assures that he will take all measures that are available in law to look afresh into the matter and have fresh investigation with respect to this aspect of the matter.

The DIG present will produce the magistrate's report (MER) and also tell us about the results of inquiry in progress.

The police accepts that the deceased died of violence inside the jail and the jail authorities also admit that there was negligence on the part of the jail authorities. Therefore, there is no impediment for Commission to pass orders with respect to compensation in favour of deceased's family. The deceased was only 32-35 years old. He has left behind a widow and a child.

Compensation of rupees two lakh shall be paid by the state to the petitioner.

List on 18.8.2015.

Copy of the order be given to the (i) deceased's family (ii) IG, Prisons, Bihar (iii) SP, Katihar and (iv) Principal Secretary, Home Department for information and necessary action.

(Justice Bilal Nazki)
Chairperson