

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. 19/08

Case of deceased Suresh Yadav: (Custodial death)

8.12.2015

Petitioner present. (i) Dr. Prof. S. Kumar, HOD Surgery, (ii) Dr. R.V.N. Singh, HOD (Pathology), (iii) Dr. R.P. Dwivedi, Associate Professor, Pathology and (iv) Dr. Arun Kr. Singh (FMT) with Under Secretary, Home, Mr. Raj Bhushan Prasad present. The Investigating Officers, SI, Nand Lal Ram and SI, Surendra Prasad present. DIG, Central Range, Mr. Upendra Kr. Sinha present with Addl. SP, Vigilance Bureau Mr. Sushil Kumar. Superintendent, Divisional Jail, West Champaran Mr. Ramesh Prasad present; and IG (Retd.) Mr. Surendra Prasad present.

The death of the deceased Suresh Yadav (vill. Tikai Chak, P.O. Parthu, P.S. Pipra, Punpun of Patna district) occurred in jail on 4.6.2007. Thereafter, investigations were conducted and it is found that post-mortem report given by the doctor was slightly vague. The matter was referred to a team of doctors also gave a vague report. Thereafter the police closed the case and filed final report with observation 'no clues'. When this Commission perused the post-mortem report it found that there had been injuries to testicles and the Commission wanted to know from the doctors as to what could be the reason for death. A fresh opinion has been given by a team of doctors on the basis of the earlier post-mortem report. They have stated that "The cause of death may be due to vasovagal syncope, caused by testicular injury as mentioned in the P.M. report."

Prima facie this appears to be a case where death has occurred due to various injuries on the person of the deceased but it is for the police to establish as to whether the injuries received by the deceased were result of force having been used against him and if so by whom. In view of the latest opinion by the team of doctors who are three HODs, we recommend that the DGP appoint a special investigation team headed by officer not below the rank of Dy.SP who will investigate the matter.

The appointment of SIT be made by the DGP within two weeks. It is hoped that after the SIT is appointed it will complete its job as expeditiously as possible since prima facie it is established that death of the deceased was caused because of violence on his body we feel that it is fit case for which compensation can be paid to legal heirs. We are told that rupees one lakh was sanctioned earlier that appears to be not sufficient and an additional compensation of rupees two lakh be paid to the legal heirs of the deceased.

The matter is closed.

Copy of the order be given to the applicants, the respondents and also DGP & the Principal Secretary, Home for information and necessary action.

(Justice Bilal Nazki)
Chairperson

(Neelmani)
Member