

File No. 1762/4/11/2019-JCD

10.02.2022

This proceeding was initiated on intimation received from the Superintendent Central Jail, Gaya regarding custodial death of U.T.P. Shivbhajan Paswan while in custody of Central Jail, Gaya.

From perusal of record it appears that the deceased U.T.P. entered in the Central Jail, Gaya 14.09.2019. In the Health Screening at the time of entry he was found alcoholic. He was admitted in Jail Hospital on 30.09.2019 when his condition deteriorated and was treated there till 15.10.2019. He was referred to ANMCH Gaya. He remained under treatment there till 25.10.2019. He was again admitted on 28.10.2019 and he died during treatment on 09.11.2019.

It further appears from perusal of Final cause of death report and Postmortem Report that cause of death is mentioned as Cirrhosis of liver added Myocardial Ischemia. No external injuries were found on body of the deceased prisoner.

It also appears that a Magisterial enquiry was also conducted. During which 8 witnesses were examined including son in law of the deceased prisoner. Learned Magistrate has also concluded "The prisoner died during treatment due to liver disease and its Complications."

Opinion of Dr. Manoj Kumar, Professor & HOD, Department of FMT, AIIMS Patna was also obtained and he opined that "The Patient died during treatment due to Hepatorenal Syndrome (liver disease) and Myocardial Infarction.

No any element of medical or administrative negligence could be found."

Investigation Division of BHRC after perusal of Inquest Report, PMR, HPE Report, Expert Medical opinion also concludes that "He (deceased prisoner) was chronic alcoholic as observed during Health Screening at the time of his entry in Jail. There is nothing on the record to suggest any element of medical or administrative negligence on the part of Jail Administration. The plea of wife of

the deceased for financial help can not be entertained in our opinion as he was jailed for serious criminal offence"

From discussions made above and considering the materials available on the record there is consistence finding that the death was due cirrhosis of liver. Son in law of the deceased prisoner has also admitted that his father in law was suffering from liver disease. Though the wife of deceased prisoner has complained about lack of treatment, but from perusal of record, it appears that the deceased prisoner was under treatment in Jail and also at ANMCH, as such the same does not appear to be true.

Considering the entire discussion made above death of deceased prisoner is natural due to liver disease and no element of medical or administrative negligence on the part of Jail Administrative is found.

Accordingly this proceeding is closed.

(Justice Vinod Kumar Sinha, Retd.)
Chairperson