

07/01/2022

This proceeding relates to custodial death of Under Trial Prisoner Sunil Maurya aged about 28 years while in custody of Model Central Jail, Patna during treatment. Information received from SSP, Patna disclosed that on the recommendation of Jail Medical Officer, the deceased prisoner was brought to PMCH on 2/12/2018 where he had been declared brought dead.

During postmortem an abrasion 2 cm & 1 cm of reddish brown over back in lumbrosacral region and sub scalp extra vascular bleed on right parietal of size 10 cm x 4 cm with dark reddish colour on incision with corresponding contusion of brain with subdural hepatoma present both parietal with blood clots, were found.

The cause of death mentioned in Post Mortem Report is head injuries and its complications resulting from blunt force.

Health screening report of the deceased prisoner disclosed that he has no previous history of any illness rather he was found suffering from mental disorder. Even in the detail report of the Jail Medical Officer, there is no mention about any injury or any illness (Page 11). But it is mentioned that as his condition was serious he was immediately send to PMCH. As per inquest report, the deceased prisoner was brought to PMCH for treatment of illness.

Opinion of Doctor Binay kumar (Additional Professor, Department of Forensic Medicine and Toxicology, AIIMS Patna) was also sought who has also mentioned that according to documents available in the file, history of fall on the ground could not be revealed even in Magisterial Enquiry Report, but it was communicated to NHRC by Jail Superintendent after the lapse of about 2 years and after the post mortem report is available. FMT expert has opined that prisoner died due to head injuries as result of blunt trauma. He has suggested that the manner of head injury is to be investigated.

Report of Investigation Division has also been received who has also concluded that cause of death is head injury as a result of blunt trauma. Report further disclosed that the In-charge Medical Officer of Model Central Jail in his written report and statement has stated that deceased prisoner has fell down while eating something and became unconscious.

From perusal of the record, it further appears that a similar proceeding relating to the death of prisoner Sunil Maurya is also pending before NHRC in Case No. 3788/4/26/ 2018 JCD and the NHRC in its order dated 12/11/2020 noticed the fact "that deceased was brought dead to PMCH, Patna and has not undergone any treatment at the hospital. As per the MER findings, deceased died due to his illness but as per the PMR death was due to head injury and related complications which is contradictory in nature. The NHRC suspected foul play in death of the UTP Sunil Maurya as such issued summons to District Magistrate, Patna and Superintendent, Model

Central Jail, Beur, Patna" and also called for some documents. From perusal of the record it further appears that the above mentioned case is still pending before NHRC for want of Magisterial Enquiry Report. On perusal of the record, it further appears that before NHRC, the date of registration of the proceeding is 14/12/2018 whereas date of cognisance by the State Commission is 16/01/2019.

As such, registry is directed to enquire from the registry of NHRC about the present status of the above proceeding in Case No. 3788/4/26/2028 JCD as it appears that the cognizance was taken by the NHRC prior to the State Commission.

Put up on 06/04/2022



**Justice Vinod Kumar Sinha (Retd.)**  
**Chairperson**