

File No. 2283/4/9/2019-JCD

03.03.2022

This proceeding was initiated on receipt of a copy of letter of the Superintendent, Sub Jail Bagaha, West Champaran, addressed to the NHRC and a copy of which was also forwarded to the Secretary BHRC, by which it was informed of UTP Ishque Baitha aged about 65 years of Sub Jail, Bagaha died treatment at MJK Hospital Bettiah on 20.11.2019.

Cognizance of the above information was taken and this proceeding was initiated.

On perusal of Health Screening Report at the time of entry in Jail, it appears that the deceased prisoner entered into the Jail on 07.11.2019 and he has cut injury on left and right side of head.

Injury report of the deceased prisoner disclosed that he has (i) Lacerated wound $1 \frac{1}{2}'' \times \frac{1}{4}''$ skin deep in middle of head and (ii) Abrasion $1 \frac{1}{4}'' \times \frac{1}{4}'' \times$ SD near upper hip right side.

Detail report submitted by the Superintendent, Sub Jail, Bagaha disclosed that the deceased prisoner was arrested in connection with an offence u/s 307, 34 IPC. He was under treatment at Jail Hospital at Primary Health Centre, Bagaha, Sub divisional Hospital, Bagaha before being referred to MJK Hospital Bettiah, where he died during treatment.

Inquest Report disclosed that he died during treatment.

Postmortem Report disclosed that he had (i) One old healed scar $1 \frac{1}{2}'' \times \frac{1}{6}''$ over left frontal region of head 02" from midline (ii) one healed scar $1'' \times \frac{1}{4}''$ on Right parietal region of head 01" right to midline, Discolored (whitish) due to scalp detachment about 2-3 weeks old. On dissection Head $-1 \frac{1}{2}'' \times \frac{1}{2}''$ fractured

healed bone on left frontal region underneath the injury no. 1- Duramater adherent to inner side of cranial bone.

(ii) Intracerebral Hemorrhage in left side of brain. Blood and blood clot present in left side of Brain.

Cause of death is mentioned as Intracerebral hemorrhage.

It also appears that a Magisterial enquiry was also conducted. During which 14 witnesses including wife and sons of the deceased prisoner were examined. The learned Magistrate after enquiry in his report concludes as follows :- "From perusal of statements of all inquiry witnesses and documents produced from hospital and Divisional Jail, Bettiah, investigation report, inquest report, Post Mortem report etc, considering the facts and circumstances and totality of evidence and aforesaid discussion, it appears that prima facie the cause of death of accused Ishahak Baithas natural death in ICU in Govt. Medical College Bettiah on 20.11.2019 at about 10PM due to Cerebrovascular Accident."

Opinion of Dr. Manoj Kumar, Professor and HOD, Department of Forensic Medicine and Toxicology, AIIMS, Patna has also been obtained who after going through the materials available on record, opined inter alia as follows :-

- (i) According to the injury reports and postmortem report it is clear that the deceased died due to coma, as a result of Intra cerebral hemorrhage.
- (ii) As per injury report, injury is mentioned as within 3 hours.

Hence the patient has died due to natural death (Manner of death), which is common as a result of spontaneous Intra cerebral Hemorrhage, a common finding in patients of long standing hypertension.

Opinion of Investigation Division of BHRC has also been obtained who after perusal of Health Screening Report of the deceased prisoner at the time of his entry in Jail, Detail Report of Jail Superintendent, Inquest Report, PM Report, MER, Opinion of FMT expert concludes as follows :-

"Based on the perusal of the records like inquest, Magisterial Enquiry Report, PM Report, Expert Medical Opinion, we are of the opinion that UTP Ishak Baitha F/o Late Musafir Baitha, 65/M, R/o-village Manjhariya, PS-Bagaha (Pathkauli), Dist-West Champaran died due to Intra cerebral hemorrhage, caused by untreated abnormally high BP. There is nothing of record to suggest any element of medical or administrative negligence on the part of Jail Administration."

From the entire discussions made above it is clear that the deceased prisoner had anti mortem injuries over head. He was continuously under treatment either at Jail Hospital or at PHC, or at SD Hospital or at GM College Hospital Bettiah, but ultimately he died. Statements of wife of deceased Nairullah Khatoon and two sons Raju Baitha and Munnif Baitha had also been recorded by learned Enquiry Magistrate from which it appears that Raju Baitha had lodged a case against deceased prisoner in which he went to Jail on 07.11.2019. It further appears that Raju Baitha assaulted the deceased prisoner on head and stolen money for which Bagaha P.S. Case no. 591 of 2019 dated 06.11.2019 has been lodged.

As such it appears that the deceased prisoner received injuries in family fight and after his entry in Jail, he was provided treatment upto Government Medical College Hospital Bettiah, but he ultimately died.

Considering the discussions made above, it clearly appears that the deceased died due to Intra cerebral Hemorrhage due to above mentioned injuries sustained in family fight. He was provided best available treatment by Jail Administration. As such death is natural due to hemorrhage and no element of medical or administrative negligence is found.

Accordingly this file is closed.

(Justice Vinod Kumar Sinha, Retd.)
Chairperson

