

File No.- 5317/4/26/2020-JCD

09.09.2022

This proceeding was initiated on intimation received from the Superintendent, Special Central Jail, Bhagalpur regarding custodial death of convict prisoner Lalu Rai aged about 71 years while in custody of Special Central Jail, Bhagalpur.

Copies of relevant report/documents as well as Medico Legal opinion, called from Dr. Binoy Kumar, Additional professor, Department of FM & T, AIIMS, Patna and report of Investigation Division had already been received.

However office had produced web copy of order dated 06.12.2021 of NHRC passed in Case No. 3306/4/5/2020-JCD relating to custodial death of convict prisoner Lalu Rai (page 91-92/c)

It appears from perusal of above order that the above proceeding relates to custodial death of convict prisoner Lalu Rai and NHRC after a detail enquiry passed the following order and closed the above proceeding:-

"The case relates to the death of one convicted prisoner Lalu Rai, S/o Late Sh. Shivdeni Rai, aged 75 years, on 23.8.2020, while in custody of Special Central Jail, District- Bhagalpur, Bihar. The Commission took cognizance of the matter on 13.11.2020 and directed the District Magistrate, District- Bhagalpur, Bihar, the Superintendent of Police, District- Bhagalpur, Bihar and the Superintendent of Prisons, Special Central Jail, District- Bhagalpur, Bihar to send the reports, within eight weeks, as per SOP framed by the Commission for cases of judicial custody deaths. Vide direction dated 4.10.2021, the matter was referred to DG (I), NHRC for analysis of the reports available on record and submit its findings for consideration of the Commission. Pursuant to the direction of the Commission, the Investigation Division of NHRC, after analysis of the case file, has submitted that the deceased aged 75 years was admitted in the Jail on 12/04/2020 and died on 23/08/2020. He was suffering from piles and was taking medicine for the same at the time of admission in jail. He was suffering from Bleeding P/R and he was sent to Jawaharlal Nehru Medical College Hospital, Bhagalpur for treatment, he was admitted there from 26/06/2020 to 03/07/2020 for treatment of ailments. On 23/08/2020 he was sent to JNLMCH on complaint of chest pain and vomiting where he died during treatment. Inquest and PMR did not reveal any injury on the body of the deceased. The cause of death was opined to be natural due to diseases of heart. The Enquiry magistrate concluded that the deceased died due to diseases and did not pointed out any foul play or negligence in the death. The Commission has considered findings of the Investigation Division and the reports available on record and independently observes that death of the prisoner in the instant case was on account of natural reason (diseases of heart) and as per the analysis of records - Medical Treatment record, Post Mortem Report and Magisterial

Enquiry Report, no foul play or medical negligence was found in the case. Based on the same, the Commission is of the view that there are no reasons to have an opinion contrary to the findings of the Investigation Division of NHRC and thus, it directs its Registry to close the instant case. CD, if any, may be returned back to the State Authorities."

Medico legal opinion of Dr. Binoy Kumar also suggests that prisoner died due to myocardial infarction and there is no any element of medical or administrative negligence.

Investigation Division of BHRC also after analysis of materials available on the record is also of similar view.

In view of discussions made above, the State Commission is not inclined to proceed further in this proceeding. Accordingly this proceeding is closed.

CD, of postmortem, if available, be returned to the Jail Administration.

(Justice Vinod Kumar Sinha, Retd.)
Chairperson