

FILE NO. 5272/4/17/2020 JCD

15.06.22

This proceeding was initiated on receipt of information of custodial death of convict prisoner of SJS, Bhagalpur namely Shiv Sah during treatment at JLNMCH.

Almost all the relevant reports, medico legal opinion of Dr.Binoy Kumar Additional Professor of Department of Forensic Medicine and Toxicology, AIIMS Patna had been received and case is pending for final hearing. However, in the meantime, office has produced a web copy of order dated 09/03/2022 passed by NHRC in case no. 2450/4/5/2020 JCD relating to death of convict Shiv Sah of SJS Central Jail, Bhagalpur.

On perusal of the above order, it appears that the NHRC has pass the following order:

“Pursuant to the direction of the Commission, the Investigation Division of NHRC, after analysis of the case file, has submitted that convicted prisoner, aged 55 years, remained in jail for almost two years & eight months, Initial health screening report revealed normal health. The Medical treatment record detailed report indicated that the prisoner was provided treatment for fever body ache and weakness etc in ad hospital and in higher medical centres, On 08.08.2020, on being ill, he was sent higher medical centre where he expired while undergoing treatment, the same day. As per Inquest & PMR, there was no injury on the body of the deceased. As per PMR, the cause of death was disease of heart (heart attack. The pathological report reflected features of Myocardial infarction. The Enquiry was conducted by a Judicial Magistrate The family member(son) of the deceased who was associated with the Enquiry stated that his father never complained about anything during his stay in jail. Based on the available oral & documentary evidence, the Enquiry Magistrate concluded that the deceased died due to illness, appeared to be due to heart attack and she did not find 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 myocardial infarction). The medical treatment record, post-mortem report and magisterial enquiry reports are not revealing any foul play or medical negligence in the instant matter. 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.”

Since NHRC has come to a definite finding, as stated above after detail enquiry and close similar proceeding, the state commission is not inclined to proceed further in this proceeding.

Accordingly, this proceeding is closed as of post-mortem, if available, on the record, be returned to the Jail Administration.

(Justice Vinod Kumar Sinha, Retd.)

Chairperson