

02.09.2022

This proceeding was initiated on intimation received from the SSP, Patna regarding custodial death of Prisoner Shyam Sundar Yadav while in custody of Model Central Jail, Beur, Patna.

On Receipt of copies of

- (i) Copy of Health Screening of prisoners on admission into the prison.
- (ii) Copy of detail report of Jail Superintendent.
- (iii) Copy of Inquest Report
- (iv) Copy of Post Mortem Report and
- (v) Copy of Magisterial Enquiry Report (page 98/c)

Medico legal opinion was called for from Dr. Binoy Kumar, Addl. Professor Department of Forensic Medicine & Toxicology AIIMS, Patna and same had been received (page 144-147/c).

Now opinion of Investigation Division of BHRC, has also been received (page 149-150/c)

Inspite of notice to the NOK of the deceased providing, an opportunity to submit his/her/their response, neither any of them appeared nor any response had been received.

It appears from perusal of record that similar proceeding relating to custodial death of prisoner Shyam Sundar Yadav while in custody of Model Central Jail, Beur Patna pending before NHRC in case no. 1307/4/26/2020-JCD has been closed under section 36 (1) PHR Act 1993 due to pendency of proceeding before State Commission prior to NHRC.

On perusal of PM report, it appears that no internal or external injuries were found and cause of death was mentioned as disease.

Dr. Binoy Kumar on examining the materials available on the record is of the following opinion :-

- (i) Patient died due to disease of heart.
- (ii) No any element of medical or administrative negligence could be found from available documents.

It also appears that the custodial death of prisoner Shyam Sundar Yadav was also enquired by the Addl. SDO, Patna Sadar and he also found death due to disease.

Investigation Division of BHRC also after detail enquiry had also found the following :-

" Based on the perusal of the records like Inquest, Magisterial Inquiry Report, PM report and Expert medical opinion, we are of the opinion that the UTP Shyam Sundar Yadav S/o Lootan Yadav, 39/M, R/o Village-Kanhaipur (Gahilsthan), PS-Mokama, District-Patna, 62/M died of natural causes due to heart disease. There is nothing on record to suggest any element of medical or administrative negligence on the part of Jail or health administration in this case."

As such there are consistent finding available on the record showing that the deceased prisoner died due to disease and there is no element of administrative or medical negligence available on records.

On the other hand, inspite of notice to the NOK of the deceased prisoner, neither anyone appeared nor any response was filed to doubt the genuineness of above findings.

As such deceased prisoner Shyam Sunder Yadav was due to disease. There is nothing available to show negligence or laches on the part of Jail or medical administration.

Accordingly this file is closed. CD of postmortem, if available on the record be returned to the Jail Administration.


(Justice Vinod Kumar Sinha, Retd.)
Chairperson