

File No.- 33/2018-CD

01.02.2023

This proceeding relates to custodial death of U.T.P. Jacky Manjhi while in custody of Model Central Jail, Beur, Patna.

Cognizance of the same had been taken on 16.04.2018.

During enquiry, copies of, following reports are made available:-

1. Copy of Health Screening of prisoner on admission into the prison.
2. Copy of Detail Report of Jail Superintendent.
3. Copy of complete treatment record of the prisoner inside the jail and outside.
4. Copy of Inquest Report.
5. Copy of Post Mortem Report along with CD.
6. Copy of Magisterial Enquiry Report.

In compliance of earlier order Medico legal opinion of Dr. Binay Kumar and opinion of Investigation Division had also been received. (Page 86-89/c & Page 149-150/c)

Response of NoK of the deceased prisoner/convict had been received. (Page 28/c & 55-82/c)

It appears from perusal of record that similar proceeding relating to custodial death of U.T.P. Jacky Manjhi while in custody of Model Central Jail, Beur, Patna, pending before NHRC in Case No. 929/4/26/2019-AD had been transferred to the State Commission.

From perusal of the record, it appears that Doctors conducting postmortem did not find any external injury over the dead body during postmortem and he had opined that death is due to disease.

Medico Legal expert Dr. Binay Kumar had found the following:-

1. According to allegations the deceased was arrested on 21.03.2018 but no document related to date of arrest or date of production in the court is available in the file.
2. According to Health Screening proforma, date of admission in jail of deceased was 23.03.2018 but according to testimony of co-prisoners; date of admission in jail was 24.03.2018
3. On the inpatient treatment record of deceased at Model Central Jail, Beur, Patna date of observation is mentioned as 23.03.2018 and date of death is also mentioned there as 24.03.2018 in the same document but according to other documents in the file, the patient didn't died in the jail hospital. Furthermore it is to be noted that the medical officer had signed below in the BHT on 23.03.2018 which raises question on method of medical record keeping in jail.

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4. No any treatment record of PMCH, Patna is available in the file. Furthermore there is contradiction between the Jail Superintendent report, Inquest report and Magisterial enquiry report regarding place of death or prisoner.
 5. The Inquest report was prepared o 26.03.2018 (i.e. after more than 24 hours of death of the prisoner).

Dr. Binay Kumar after perusal of the materials and on the basis of the discussions as made above is of following opinion:-

1. The patient died due to combined effect of chronic disease of lung and liver.
2. No any element of negligence in treatment could be found
3. Ambiguity regarding date of arrest, date of production in Court, admission in jail and place of death has to be investigated.
4. Allegation regarding delay in conducting Inquest is true therefore administration should be sensitized towards the dignity of death bodies.

The custodial death of U.T.P. Jacky Manjhi was also enquired by the Executive Magistrate and as per enquiry report the U.T.P. Jacky Manjhi entered inside the Jail on 23.03.2018 was in drunken condition, as such he was admitted in Jail Hospital and on 24.03.2018 he was referred to PMCH and he died then on same day. Even according to him inquest was done on 26.03.2018 and postmortem was also conducted on 26.03.2018. However as per postmortem report also the U.T.P. Jacky Manjhi died due during treatment at PMCH and death was natural due to disease.

In view of discrepancy in date of entry of deceased U.T.P. in jail as found by the FMT expert Dr. Binay Kumar and also appeared from the MER, a report was called for from S.S.P., Patna regarding above discrepancies as pointed out Dr. Binay Kumar. A report had also been received from A.S.P., Danapur, which that also disclosed that the deceased U.T.P. was forwarded to the court on 23.03.2018 and he was remanded to the Jail on 23.03.2018

Opinion of Investigation Division has also been received. The Investigation Division, after perusal of Inquest Report, Treatment records M.E.R., P.M. Report and Expert Medical opinion come to the following conclusion:-

- (i) Deceased U.T.P. died due to combined effects of Chronic disease of lungs and liver coupled with complications of alcohol withdrawal.
- (ii) As regards the observations made by the FMT expert regarding discrepancies found with regard to date of arrest, date of production in court, admission in jail and place of death, copy of station diary judicial remand order etc. were called for from S.S.P., Patna. On perusal of the same it is clear that the deceased U.T.P. was arrested on 22.03.2018 along with 4 others under Excise act and was produced before court on 23.03.2018 and was admitted to jail on 23.03.2018. He was treated in jail hospital form 23.03.2018 till the time he was referred to PMCH on 24.03.2018. He died on way to PMCH.

- (iii) As regards the allegation of torture in police custody by family members, no external or internal injury has been found on the body of the U.T.P. during PM examination.

A response has also been filed by mother of the deceased U.T.P. and she had also appeared on 24.01.2023 along with her advocate. It has been argued on behalf of the mother of the deceased U.T.P. that the deceased was arrested on 21.03.2018, brutally assaulted and on 22.03.2018 they were informed that the deceased was sent to Beur Jail. It had also been argued that they did not find him in Beur Jail either on 22.01.2018 or on 23.01.2018 or 24.01.2018. It had also been argued that Inquest was also done on 26.01.2018 on the basis of above argument, it has been submitted that as a matter of fact the deceased U.T.P. was arrested on 21.01.2018, sent to the Jail on 24.01.2018 and he died on 24.01.2023 which appears from BHT of the deceased U.T.P. of PMCH and Inquest and Postmortem was done 26.01.2018 i.e. after 2 days of death and it clearly shows that the true facts had been suppressed by the Police & Jail Administration.

However as discussed above, a report has been submitted by A.S.P. Danapur enclosing production warrant before the court that disclosed that the deceased U.T.P. Jacky Manjhi was produced before the court on 23.03.2018, and he was remanded on the on the same day. Health Screening Report at the time of entry of deceased Jacky Manjhi in jail also disclosed that he entered in jail on 23.01.2018 with comment that he was alcohol consumer regular. None of the above documents disclosed any injuries over the body of the deceased prisoner Jacky Manjhi. Report of A.S.P. Danapur also disclosed that as per S.D.E. No. 679 of Bihtas Police Station the deceased prisoner Jacky Manjhi was arrested on 22.01.2018 at 16.15 O'clock and produced before the Court on 23.01.2018.

No doubt I found that there are some Discrepancies in the record of PMCH and Postmortem and Inquest was conducted after two days of the death of deceased prisoner and that create a shadow of doubt and the mother of deceased prisoner also alleged that he was arrested on 21.01.2018, brutally assaulted and produced before the Court on 24.01.2018. However as discussed above the remand order of Special Judge, Health Screening Report falsified the above plea of the mother of the deceased prisoner. So far delay of two days in Inquest and conducting postmortem is concerned that may be a case of apathy of administration.

Similarly discrepancy in date on BHT on date of signature appears to be clerical mistake. Above all the postmortem report also disclosed that death is natural and no injury was found on the body of the deceased U.T.P.

Forensic Medicine Expert has also opined that the patient died due to combined effect chronic disease of lung & liver and also found no element of negligence in treatment.

Learned Enquiry Magistrate is also of similar opinion. Investigation Division of BHRC has also found that the deceased prisoner died due to combined effects of chronic disease of lungs and liver coupled with complications of alcohol withdrawal. It has also found that as regards allegation of torture in police custody by family member no external or internal injury has been found during postmortem examination.

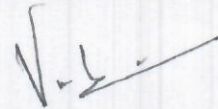
As such though the family members suspect brutality by police and death in suspicious circumstances but the document available on the record shows it otherwise. It is established principle of law that mere suspicion howsoever be strong, cannot take place of evidence.

Considering the entire discussions made above it is apparent that the deceased U.T.P. Jacky Manjhi died due complications of lungs and liver and there is no element of negligence either on the part of Jail or Medical administration available on the record.

As such this proceeding is closed.

CD if available on the record, be returned to the Jail Administration.

Copy of order be communicated to the mother if the deceased U.T.P. Jacky Manjhi for information.



(Justice Vinod Kumar Sinha, Retd.)
Chairperson