

-30-

File No. - 233/4/28/2019 - JCD

**File No. 233/4/28/2019 JCD**

13.06.2023

This proceeding was initiated on intimation received regarding the custodial death of UTP Pappu Yadav.

On detail inquiry, the state commission vide order dated 8/11/2022 found it a case of insensibility and negligence on the part of the officials resulting in the death of the deceased prisoner. It has also been found that if timely treatment had been provided, the life of the deceased prisoner could have been saved. As much the State Commission had found it to be a clear case of infringement of the Right to life of the deceased prisoner, for which the Government is vicariously responsible. Accordingly, notice was issued to the State Government, to show cause as to why compensation of Rs. 2,00,000/- be not awarded to the NOK of the deceased prisoner.

In compliance thereof an explanation had been received from the Assistant Inspector General of Police (Region) Prison and Correctional Services, stating the sequence of events resulting in to the death of the deceased prisoner. It also referred to the report of D.M., Rohtas and S.P., Rohtas and on the basis of the above, A/G Prison tried to impress upon that there is no lapses on the part of the Jail Administration in providing timely treatment of the deceased prisoner. It is also stated that from the report of D.M. & S.P., Rohtas, there is no negligence on the part of anyone in the custody of death of a deceased prisoner.

However, if it is admitted fact that the deceased prisoner was arrested with severe multiple injuries over his body on 4/8/2019. He was sent to Sadar Hospital for treatment from where he was produced before the Court and sent to jail where he was treated till 5/8/2019 thereafter referred to Sadar Hospital for treatment as per. On 7/8/2019, he was referred to PMCH where he died on 7/8/2019.

As per Post Mortem Report cause of death of the deceased prisoner is due to head injury and its complications resulting from injuries caused by hard & blunt substances.

Even the learned Magistrate who conducted the inquiry is of the opinion that the Jail authority, Sadar Hospital Authority and administrator has to become more sensitive

while considering the health issues regarding prisoner at the Jail and the authority should be quickly responsive.

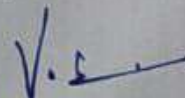
From the initial Health Screening Report, it is clear that the deceased prisoner was having multiple injuries over the whole body and had a urinary catheter at the time of admission. He was even advised a X-ray of various parts of bodies by Sadar Hospital where he was taken for treatment part from after his arrest. Apart from that as per Health Screening report, he had multiple injuries over his body and having a urinary catheter, as such that or time, it is the prime duty of the police duty of the police official and Hospital to protect life of deceased prisoner but he was produced before the learned Court, in routine manner and got him remanded to the Jail on same day i.e. 4/8/2019. Thereafter he was referred to Sadar Hospital.

As such it appears that Police & Medical Officers did not show sensitivity and urgency. No doubt he was provided treatment at Jail Hospital but apparently X-rays were not taken and only on 5/9/2019 and he may not get better treatment and he ultimately died on 7/9/2019. In this process precious time has been lost and the deceased prisoner had not been provided with the best treatment which might be given to him at in time.

As such the State Commission is not satisfied with the show cause filed by Asst. I.G. Prison. Apparently, had timely better treatment been provided, life of the deceased prisoner could have been saved. As such it is a clear case of infringement of the Right to life of deceased prisoner Pappu Yadav.

As such an amount of Rs. 200,000/- is awarded as compensation to the NOK of the deceased prisoner. Office is directed to send a copy of order to the Chief Secretary Government of Bihar for information and timely compliance.

Put up on 19.09.2023 for submission of compliance report.



(Justice Vinod Kumar Sinha, Retd.)  
Chairperson