

**File No.- 273/4/22/2021-JCD**

07.02.2023

This proceeding was initiated on intimation received from the Superintendent, District Jail, Munger regarding custodial death of convict prisoner Vikash Kumar while in custody of District Jail, Munger during his treatment at Sadar Hospital Munger.

Cognizance had been taken on. 19.08.2021

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 had been obtained from Dr. Binay Kumar Additional Professor, Department of Forensic Medicine & Toxicology, AIIMS, Patna.

Similarly opinion of Investigation Division of BHRC had also been received.

It appears from perusal of record that a similar proceeding relating to custodial death of convict prisoner Vikash Kumar while in custody of District Jail, Munger, pending before NHRC in Case No. 254/4/22/2021-JCD has been closed under section 36(1) of PHR Act 1993.

Response of mother of deceased convict prisoner Vikash Kumar had also been received.

On perusal of the record, it appears the during postmortem, death of deceased convict was found to be caused due to chronic illness caused by fibrocavitary lesion of both lungs (Pulmonary Tuberculosis)

Forensic Medicine Expert Dr. Binay Kumar is also of following opinion:-

- (i) Patient died due to complication of pulmonary tuberculosis. It might be due to either relapse or poor compliance of ATT during the period when U.T.P. was out on bail, for this period, no treatment record is available.
- (ii) No any element of medical or administrative negligence could be found from available documents.

An enquiry was also conducted by Learned Magistrate on the custodial death of deceased convict prisoner Vikash Kumar and he also concludes as follows:- U.T.P. died



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naturally due to disease during treatment at Sadar Hospital, no negligence was noted on the part of Jail Administration.

Investigation Division after perusal of the material available on the record is to the view that the deceased prisoner Vikash Kumar died of complications of pulmonary tuberculosis (Natural Death) and there is nothing on the record to suggest that the deceased was not given proper treatment while in judicial custody.

On the other hand mother of the deceased prisoner had filed a response and claimed that the deceased was a healthy person, he was brutally assaulted due to that his body had blue marked and there was an injury on eyebrow. It is also claimed that she and other had also stated so during enquiry conducted by the Learned Magistrate.

However the Hearth Screening Report of the deceased prisoner at the time of his entry disclosed that he was found to be suffering from pulmonary T.B. Inquest Report disclosed black spot at eyebrow and waist and nothing else. Postmortem Report also disclosed that only one ant mortem injury was found over dead body and no other injuries were found on the dead body.

Deceased prisoner Vikash Kumar admitted in to the jail on 16.02.2020 and released from jail on 02.03.2020. Again he was admitted into the jail on 09.07.2020. He was under treatment at Jail Hospital and later on he was treated at Sadat Hospital, Munger several times and lastly he was referred to Sadar Hospital on 28.12.2020. The above facts appear from report of Jail Doctor. Above facts found support from treatment record produced before commission.

Doctor conduction Postmortem Report and Forensic Medicine Expert both are of opinion that the deceased prisoner Vikash Kumar died due to pulmonary tuberculosis (Natural disease).

As such the story advanced by mother of the deceased prisoner that he was brutally assaulted and he was not treated properly is contrary to the materials available on the record.

From the record, it is apparent that the deceased prisoner Vikash Kumar died due to pulmonary tuberculosis and he was regularly under treatment either at jail Hospital or Sadar Hospital, Munger. There is no element of negligence or torture is founded on the part of Jail Administration.

Accordingly this file is closed.

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



**(Justice Vinod Kumar Sinha, Retd.)**  
**Chairperson**