

File No.- 5802/4/37/2020-JCD

06.02.2023

This proceeding was initiated on intimation received from the Superintendent, District Jail, Siwan regarding custodial death of U.T.P. Birendra Sah while in custody of District Jail, Siwan during his treatment at AIIMS, Patna.

Cognizance of the same had been taken on. 10.11.2020

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 FSL report (if any)
7. Copy of Final Cause of Death Report based on FSL Report.
8. Copy of Magisterial Enquiry Report.

In compliance of earlier order, Medico legal opinion was obtained from Dr. Binay Kumar Additional Professor Department of Forensic Medicine & Toxicology, AIIMS, Patna.

Opinion of Investigation Division of BHRC had also been received.

It appears from perusal of record that similar proceeding relating to custodial death of U.T.P. Birendra Sah while in custody of District Jail, Siwan, pending before NHRC in Case No. 182/4/37/2021-JCD has been closed under section 36(1) of PHR Act 1993.

It appears from the record that the deceased prisoner was admitted at AIIMS, Patna and he committed suicide at AIIMS, Patna.

Inquest Report disclosed that the death is due to hanging by ligature.

During postmortem also an incomplete oblique ligature mark as found and ante mortem hanging was found and cause of death is mentioned as Asphyxia due to hanging.

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

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

Dr. Binay Kumar is also of opinion that the prevalence of depression and other mental illness is very high in long standing cases of covid 19.

An enquiry was also conducted by Learned Magistrate and after enquiry, he concludes that the prisoner died due to hanging due to mental illness.

However Learned Magistrate had pointed out several deficiencies during inspection of Siwan Jail.

Investigation Division of BHRC after perusal of the materials available on the record, is of opinion that the deceased U.T.P. Birendra Sah died due to suicidal hanging. He was depressed perhaps because of his being HIV and covid 19 positive. There is nothing on record to suggest any element of medical or administrative negligence on the part of Jail administrative in this case. However MER is quite damning of the finding of Siwan Jail administration.

In spite of issuance of repeated notice to the NoK of deceased prisoner neither any on appear nor any response was filed.

From the entire discussions, it is apparent that the deceased prisoner was suffering from covid 19 and he was HIV positive also. He was admitted at AIIMS, Patna but he develops symptoms of mental illness and ultimately he hanged himself in washroom.

During covid 19 times, attendants are usually not allowed inside hospital. As such being mentally ill he finished his life by hanging.

There is nothing available on the record to doubt the findings arrived at by Investigation Division.

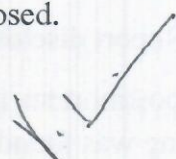
It is apparent that death is due to suicidal hanging as the patient was suffering from mental depression due to suffering from covid & HIV.

However the Enquiry Magistrate had pointed out several deficiencies in the Siwan Jail.

As such transmitting a copy of MER to the I.G. Jail & correctional services for taking action in accordance with law, this file is closed.

Accordingly with above observation, this proceeding is closed.

CD of postmortem be returned to the Jail Administration.


(Justice Vinod Kumar Sinha, Retd.)
Chairperson