

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road, Patna – 15

File No **BHRC/COMP.** CD-187/10 & 639/10: CD-53

Case of **SHRINATH SAH**

This file is about custodial death of Shrinath Sah son of Pradeep Sah of Shaheed Khudiram Bose Central Jail, Muzaffarpur on 25.09.2009/

Deceased Shrinath Sah was admitted in Muzaffarpur Central Jail as a convict on 25.08.1997. As per the report he was a patient of asthma. On 20.05.2009 he was admitted to Jail Hospital for treatment. He recovered from the illness and shifted to the prisons ward on his own on 26.05.2009. His condition started deteriorating on 24.08.2009 and after initial treatment in the Jail Hospital he was referred to Sri Krishna Medical College & Hospital, Muzaffarpur (SKMCH) on 05.09.2009. After discharge from the said hospital he returned to jail on 10.09.2009. As per the advice of the SKMCH doctors noted in the discharge ticket, steps were taken to send him to SKMCH for check-up on 29.09.2009 but in the meantime on 25.09.2009 he fell down from the bed and suffered serious injuries. He was taken to SKMCH but he died on the way.

As per the report the deceased thus died a natural death as a result of fall which caused injuries and aggravated his condition.

The post mortem was conducted by Tutor (Pathology) Dr. Pramod Kumar, SKMCH who did not find any external injury but on dissection of the body found the following ante-mortem injuries (i) fracture of 2nd to 9th left ribs, (ii) fracture of 2nd to 4th and 6th right ribs, (iii) fracture of upper part of (illegible), (iv) right lung lacerated. Blood type fluid was found in chest cavity. In the opinion of the doctor, the death was due to shock and internal haemorrhage as a result of above injuries and the cause of injury was hard and blunt impact.

Sri Satya Prakash, Judicial Magistrate, 1st Class, Muzaffarpur who conducted the magisterial enquiry in terms of section 176(1A) Cr.P.C. came to the conclusion that the death was unnatural.

The matter was heard on 11.04.2012 in presence of Shri U.K. Sharan, AIG Prisons who appeared on behalf of the Department and Anil Kumar and Sunil Kumar, son and nephew of the deceased respectively.

In view of the findings of the doctor in the post mortem report there is no room for any doubt that the deceased died as a result of injuries. The only point in dispute is whether he suffered injuries as a result of 'fall' from the bed – as per the official version – or he received them as a result of assault. It is true that the doctor did not find any external injuries on the body but at the same time it does

not stand to reason that fall from about 2 ft. high bed would cause such extensive fractures of ribs and other organs. It may be kept in mind that as per the doctor the injuries were caused by some hard and blunt substance. No doubt, fall on a hard floor can also have an impact on the internal organs but not as extensive as found in the deceased's body on dissection. The Commission is inclined to think that injuries were caused by some kind of assault by inmates or staff of the jail or jail hospital. The deceased having died in custody, inside jail/hospital, the administration was required to satisfactorily explain the injuries and the cause of death. The explanation offered by the Administration not being satisfactory and relevant facts having been withheld from the Commission, case for compensation is made out.

In the facts and circumstances, the Commission is of the view that compensation of rupees one lakh would meet the ends of justice.

The Commission would accordingly direct,, Secretary, Home (Special) Department to pay compensation of rupees one lakh to the next-of-kin of deceased Shrinath Sah and submit compliance report within six weeks.

Date: 16.04.2012

Justice S.N. Jha
Chairperson