

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-83/14

Case of deceased prisoner Abhay Kr. Singh (Custodial death-compensation awarded)

22.02.2016

Legal heirs of the deceased present. Superintendent, Buxar Jail, present.

The deceased (Abhay Kr. Singh, s/o Shyam Bihari Singh of village Manikpur, P.S. Koilwar, district Bhojpur) was 38 years old. He died on 16.7.2014. He had been in Ara Jail from 1.01.2011 to 10.08.2011 as an under-trial prisoner. He was shifted to Buxar Jail where he remained till 8.02.2012. He was again shifted to Ara jail on 29.05.2014 where he remained till 8.6.2014. During this period he was convicted also. He was alleged to have murdered his wife. On 8.6.2014 he was shifted again to Buxar where he died in Sadar Hospital Buxar on 16.07.2014. The jail authorities maintained that the deceased died due to bites of honey bees.

The Superintendent, Buxar Jail submits that he received treatment from 10.7.2014 till he died on 16.7.2014. The post-mortem report reveals that he had many injuries which prima facie cannot be attributed to honey bee bites:-

- a. Lacerated wound ¼"x1/6"skin deep
- b. Abrasion on left side of neck 1"x1/2"
- c. Black discolouration of skin due to bruise 1"x1/4" below left ear lobes
- d. Lacerated wound on left arm outerpart 1/4x1/8"xskin deep

- e. Lacerated wound 1/4x1/6" x skin deep on back of left shoulder skin around wound was black
- f. Swelling of left parotid region (mouth cheek/face) 2"x1"

The magistrate who conducted the inquiry gave the following opinion in the matter:-

"Thus in the light of the aforesaid materials both oral and documentary on record, I am of the view that, almost all the witnesses examined have stated that deceased died at Sadar Hospital Buxar in the course of treatment of injuries on body. Medical Officers have specifically stated that death of deceased occurred due to injuries on his body. Jail Inmates have stated that they saw injuries on the body of the deceased in jail. Further, there is no material on record which suggest that injuries on the body of the deceased were caused due to his falling.

All the aforesaid facts and circumstances lead me to believe that, it were the injuries only on the body of deceased which caused his death and since deceased was in jail, therefore, jail authorities and district administration is solely responsible for the death of deceased Abhay Kumar Singh."

This commission will not be in a position to come to final conclusion as to whether the deceased died of injuries caused by bites or some other source but one thing is very clear that the deceased died in the custody. Even if it is accepted that he died of bite it would amount to negligence by jail authorities. The jail authorities are supposed to be custodians of inmates of jail and are duty bound to protect their lives.

This is an unfortunate case in which the deceased was convicted having committed murder of his wife. This couple has a child aged 5 years and is presently living with maternal grandparents. She is innocent and pure but she has lost both her parents.

In this view of the matter, the Commission directs compensation of Rs.5 lakh in favour of the child which shall remain in fixed deposit till she attains the age of 18. The interest earned on the amount can be utilized for her welfare and education and if the grandparents need that money for her welfare they will approach DM, Bhojpur and the DM may pass appropriate order at relevant time in the facts and circumstances of the case.

The Home Department is directed to appoint a committee to go into issues of culpability of the jail authorities and decide the matter in view of the recommendations of the committee. This exercise shall be completed within a period of six weeks.

Matter is disposed of. Compliance report be submitted within six weeks.

(Justice Bilal Nazki)
Chairperson