

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.2279/15

Subject: **PHC, Tariyani(Sheohar) issuing wrong medical certificate to help the accused persons.**

Case of Sh. **Harendra Sah, Distt. Sheohar**

Sh. Harendra Sah, S/o Sh. Gourishanker Sah, vill. Rajadih, PS. Tariyani, distt. Sheohar had complained to the Commission that when he asked for his dues from Ramashanker Sah on 23rd Feb,2015, he was badly assaulted and dragged by Ramshanker Sah and three others with the result his **spinal cord and ribs were fractured** incapacitating him but due to connivance of the SHO and the Doctor I/c of PHC, Tariyani, the case was a registered in lighter sections of IPC benefiting the accused. The doctor did not prescribe X- ray nor did he refer him to higher centre for treatment.

2. Commission asked for response of SP, Sheohar who has informed that the case was registered as Tariyani PS Case No. 19/15 dt. 26.02.2015 u/s 341/323/379/504/506/34 IPC. Dr. Sh. Sudhir Sharma, M.O. I/c PHC, Tariyani gave injury report dt. 24th Feb, 2015 as "**He complains of body ache. Found no external injury**".

3. The Medical Board constituted at the behest of SP, Sheohar found the injury of the petitioner as **Grievous** (corroborating the fracture, etc, etc) and accordingly section 325 IPC has been added in the Charge-Sheet subsequently submitted to the Court. The accused persons had been enlarged on bail by the Court earlier. Allegations of the petitioner that wrong injury report was issued by the PHC doctor has been established and SP, Sheohar has requested Civil Surgeon, Sheohar action for against the doctor.

4. Commission, therefore, directs following actions in the matter:-

(a) A compensation of Rs. 75,000/- (Seventy five thousand) be paid to the petitioner, within two months, by the Home Deptt. for the Human Rights Violations he has suffered so far.

(b) SP, Sheohar should examine the criminal culpability of PHC doctor in issuing wrong injury report benefiting the accused and take legal action accordingly.

(c) Health Deptt. should inform the Commission about administrative action taken against M.O. I/c, PHC, Tariyani by 31st August, 2016.

5. Copy of the order be sent to the (i) **Principal Secretary, Home Deptt.** (ii) **Principal Secretary, Health Deptt., Govt of Bihar** (iii) **SP, Sheohar** (iv) **Civil Surgeon–cum–Chief Medical Officer, Sheohar** for necessary action and to the (v) **Petitioner** for information.

6. List on 06th Sep, 2016

Date: 27.06.2016

Asstt. Registrar.

Sd/...

(Neelmani)

Member