

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-22/14 & 1942/14

Case of Pappu Yadav (Custodial Death: Case of compensation)

04.08.2016

Deceased's father present.

The deceased (Pappy Yadav, s/o Ramjatan Yadav, village Baturi, P.S. Pandaul, distt. Madhubani) was accused in a case in which he was accused of having committed the murder of his wife along with some of his family members who are facing trial. According to father of deceased he was at the time of occurrence in Delhi and is not accused in that case. The child of the deceased suffered heavily as he lost his mother allegedly killed by his father and he also lost his father because of the negligence of the jail authorities.

To give the background of the case in which death of deceased took place order dated 16.06.2015 is reproduced below:-

“SDPO, Madhubani present.

A 22-year old person who was admitted to jail on 4.3.2013 in good health died in jail on 14.2.2014. the Judicial Magistrate who conducted the inquiry gave a finding:

“On perusing the extent and nature of injuries as specified in post-mortem report as well as the findings of the Post-Mortem Report and Death Inquest Report and on perusal of whole material on the record and on seeing the compact discs of videography and photographs as mentioned earlier and on analyzing the attending circumstances, it appears to me that the cause of death of Pappu Yadav, S/o Ram Jatan Yadav, R/o- Baturi, under Pandaul Police Station, District Madhubani, Bihar, who was a custody accused in G.R. No.3648/12. S.T.No.-380/13, in Pandaul police station case No.-262/12 for offences u/s 304(B)/34 of I.P.C. was Asphyxia, which was caused by throttling.”

The matter was investigated and police came to conclusion that the deceased had in fact smuggled a mobile phone inside the jail and on its discovery another prisoner fought with him. Therefore, they filed charge sheet against the deceased and the other accused u/s 341/323/353/427/504 IPC & 45/52 Prisoner Act. Even if these facts are true even then prima facie, the jail authorities were responsible for allowing the phone inside the jail and also for allowing two persons to fight with each other to the extent that one got killed.”

It appears to me it is a fit case in which compensation can be awarded. A compensation of rupees one lakh (Rs.1,00,000) be paid to the father of the deceased and compensation of rupees one lakh (Rs.1,00,000) be kept in the name of the minor child of the deceased till he attains majority. The compensation to the father of the deceased should be paid after it is ascertained that he is not accused in the case of alleged murder of the wife of deceased.

Copy of the order be given to (i) Deceased's father (ii) IG, Prisons (iii) DM, Madhubani and (iv) Principal Secretary, Home for information and necessary action, as the case may be.

Compliance report be submitted within eight weeks.

List on 14.10.2016.

(Justice Bilal Nazki)
Chairperson