

## BIHAR HUMAN RIGHTS COMMISSION

*9, Bailey Road, Patna*

**File Nos. BHRC/Comp. CD-73/14**

### **Case of deceased prisoner Pundev Chaudhary (Custodial death-compensation awarded)**

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20.04.2016

Deceased's wife and his brother present. Dy.S.P., Masaurhi, Sri S.K. Panjiyar present.

The deceased (Pundev Chaudhary of village Devariya, P.S. Bhagwanganj, district Patna) died while he was in custody. He was arrested for violation of certain provisions of Excise Act by the police and then was remanded to judicial custody on 2.7.2014. The memo prepared at the time of the admission of deceased in jail recorded that the prisoner was ill but did not refer him to any doctor on the ground that there were no orders from the courts.

I am surprised that if somebody is in jail and is not well the jail authorities should refuse him access to doctors in absence of court order. From 2.7.2014 to 4.7.2014 he was not given any treatment. Thereafter, he died in the jail and post-mortem report shows that there were many injuries including head injury on the body of the deceased and the reason given by the doctor was death by haemorrhage. Eventually he died on 06.07.2014.

The deceased was 40 years old. It appears that the police registered a case and closed it. There was protest and an inquiry was conducted by a judicial officer who has given his report recently. His

conclusion was that the deceased had serious injuries which resulted in his death. He also found authorities were negligent in providing treatment to deceased.

A person at the age of 40 years dying within four days of being arrested and having serious injuries on his head prima facie shows that he was subjected to violence and torture either at the police station or in the jai. The case has not been properly handled so far. The life of a person whether a prisoner or not is precious. This man was innocent as only minor charge had been levelled against him which had yet to be proved.

He was only 40 years old. Therefore, I direct SSP, Patna to appoint an investigating officer not below the rank of Dy.SP to conduct a fresh and thorough investigation in the matter so that the responsibilities are fixed. The jail authorities also are directed to institute departmental inquiry in the matter and fix the responsibility.

The deceased was a poor man. His wife is present. She is an agriculture labourer with 5 children having no permanent source of income. She has not even been extended the benefit which are due to a widow. Therefore, the DM, Patna is directed to immediately fix and pay pension to which she is entitled as a widow from the date she became eligible.

The Government is directed to pay compensation of rupees two lakh (Rs.2,00,000) in favour of the deceased's wife and her children. The amount shall be kept in the bank account of the widow of the deceased in fixed deposit for 5 years for the time being. She shall be entitled to receive the interest every month for welfare of her family. If

during the period of 5 years she needs the money for immediate needs, she may approach the DM who may pass appropriate orders keeping in view the circumstances in which such application is made.

Copy of this order be given to (i) deceased's wife (ii) Superintendent, Sub-divisional Jail Masaurhi (iii) DM, Patna, (iv) IG, Prisons and (v) Principal Secretary, Home for information and necessary action as the case may be.

Compliance report be submitted within two months.

List on 24.06.2016.

***(Justice Bilal Nazki)***  
***Chairperson***