

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-62/13

**Case of Santosh Kr. Singh: (Case of suicide in custody:
Compensation awarded)**

06 .06.2016

The deceased's mother, brother and brother-in-law present. Sri Ravindra Kr. Chaudhary, Officer Incharge, Prison and Correctional Services present.

I have heard the parties and also perused the record of the jail (Central Jail Gaya) and also report of the magistrate of the jail who conducted the inquiry. The magistrate during the inquiry had examined the relatives of the deceased (Santosh Kr. Singh, S/o Late Narad Singh, village Lodhve, P.S. Fatehpur, district Gaya; At present:- Railway Quarter No.203/B, P.S. Delha, Distt. Gaya) as witnesses who had said that the deceased was being threatened by in-laws in the jail which resulted in his having committed suicide.

The deceased was alleged to have committed murder of his wife and was facing trial u/s 304B. The jail records reveal that the deceased committed suicide by hanging himself by gumcha.

The mother of the deceased who had also remained in the same jail submits that there is no such window wherefrom the deceased could have hanged himself. She also submits that gumcha was not found at all although the magistrate has stated in his report that gumcha has been exhibited but I am not been able to find out from the order of ADG who decided the case u/s 304B.

In these circumstances, the demands of justice would be met if the police is directed to look into the case afresh to investigate as to whether this was a case of suicide or homicide. Since the trial court was trying the deceased who was suspected of having committed an offence of causing death along with his mother, therefore, that court had no opportunity to go into question of reasons resulting in death of the deceased while he was in custody.

But in any case this is clearly a case of negligence of the jail authorities which resulted in the death of a 31 year old man. The case under section 304B has resulted in acquittal. A copy of the order of the court is placed on the file.

In this view of the matter, the Commission directs payment of compensation of Rs. One lakh to the mother of the deceased which will be utilized by her for education of her surviving child.

It is stated before the Commission that the deceased's mother and brother have no other dependable source of income.

Copy of the order be sent to (i) IG, Prison, Patna, (ii) Principal Secretary, Home and (iii) deceased's family members for information and necessary action as the case may be.

Compliance report be submitted within six weeks.

List on 8.08.2016.

(Justice Bilal Nazki)
Chairperson