

## BIHAR HUMAN RIGHTS COMMISSION

*9, Bailey Road, Patna*

**File Nos. BHRC/Comp. 4359/15**

**(Suo motu Cognizance)**

**Case of deceased Shyam Lal Chaudhary: (Custodial death—  
compensation awarded)**

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2.03.2016

Jail Superintendent, Sri S. Priyadarshi, Officer Incharge, Prison & Correctional Services, Sri Ravindra Kr. Chaudhary with CMO, Central Jail Beur, Dr. Raja Ram Prasad and Dr. Pankaj Kumar, Asstt. Professor, FMT, PMCH, Patna present.

The deceased (Sh. Shyam Lal Chaudhary, Malsalami P.S, Piradmadia) was 42 years old. He was an under-trial and had been earlier bailed out. He was allegedly involved in some offences under Excise Act and sections 272 & 273 IPC. It appears that he did not attend the court after being bailed out therefore his bail was cancelled, was arrested and sent to judicial custody. He was admitted in jail on 28.9.2015. At the time of screening by the doctor it was recorded against the column history of drug abuse, if any—ganja/chronic alcoholism. It was also recorded that he had an abrasion and bruise on wrist & chin.

On 30.9.2015 he was referred to PMCH where he died on the same day. Between 28<sup>th</sup> & 30<sup>th</sup> of September morning, he was treated by the (Beur Jail hospital) doctor which shows that he was treated for some gas-problem & nausea. Obviously this could not be the reason for his death. The doctor while referring him to the (PMCH) hospital noted that the deceased was found gasping for breath and his pulse was feeble. The Commission does not

feel that within one day the patient could have reached to a stage of sudden death. The doctor who conducted the post-mortem found more ante-mortem injuries on the body of the deceased than those found by the doctor at the time of admission of the deceased in the jail. He found the following injuries:-

- (i) One abrasion 1"x1/2" right wrist lateral aspect
- (ii) One abrasion 1/2"x1" mid-line chin
- (iii) One bruise 6"x 1/2" left scapular area 4 1/2" from left shoulder tip.
- (iv) Two abrasions 3/4"x3/4" size left wrist
- (v) One abrasion 1"x 1/2" right lower arm 2" above right elbow.

The doctor has not given his opinion as far as cause of death is concerned and has referred the matter for forensic analysis. Report has not been received so far.

The Commission does not feel that the report will alter anything in the case as far as this Commission is concerned. It is abundantly clear that the deceased was only 42 years old even if he had been addict or alcoholic he should not have died within two days of his admission in jail. He should also have not died when the jail doctor knew about his status of health. Had he found anything serious he would not wait for two days before referring him to PMCH.

It appears that he received as many as five injuries after being admitted in jail therefore there has been violence with the deceased and it is also manifestly clear that care was not taken to provide him the best possible medical aid.

The deceased has three children who are minors. His wife is just 40 years old. The Commission directs that a compensation of Rs. One lakh be paid to the wife of the deceased. Out of this amount twenty-five thousand

rupees for each child be deposited in fixed deposit. Deposit should be till the child attains majority. However, the mother can utilize interest earned on those fixed deposits for welfare and education of children with permission from DM. The balance of twenty-five thousand rupees should be paid to wife.

The DM, Patna is also directed to extend all benefits which are available to the deceased's wife under various schemes of State & Central Government.

The Principal Secretary, Home Department shall look into the whole matter and decide whether any further inquiry in the matter is needed to be initiated or not.

With these observations, the matter is closed.

Copy of the order be given to (i) the wife of the deceased, (ii) Superintendent, Beur Central Jail, Patna, (iii) DM, Patna & (iv) Principal Secretary, Home Department for information and necessary action, as the case may be.

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