

BIHAR HUMAN RIGHTS COMMISSION (BHRC)

9, Bailey Road, Patna

File No. BHRC/CD-128/17

Case of Custodial Death of prisoner Guddu Singh @ Chotu: Compensation awarded

23.01.2020

Deceased's wife Soni Devi and his family members present. Superintendent, Sub Jail, Barh, Patna, Sri Pradeep Kr. Singh is also present.

Heard and perused the materials available with the file.

The present matter involves murder of Guddu Singh @ Chotu S/o Parmanand Singh, R/o Village Jalalpur, P.S. Maranchi, Patna. The deceased Guddu Singh was an under trial prisoner, was detained in sub-jail, Barh in connection with S.T. No.280/17, FIR No.125/2015, Maranchi, District Patna.

On the fateful day of 08.09.2017 at about 2 PM, about 12 prisoners including Guddu Singh @ Chotu were being taken by a police team for production before the Court of A.D.J.-II, Barh in Session Trial No. 280/17. After Court procedures, they were being carried to Hajat tied in one rope in 6 handcuffs. There was a loud report from firing from behind and deceased Guddu Singh was fatally wounded and died on the spot while two others were injured and sent for treatment at PMCH, Patna. Post Mortem Report stated that death was due to cardio-respiratory arrest due to hypovolemic shock by fire-arm injury. The bullet had already passed out of the body through the other side causing cardio-respiratory failure.

Enquiry commenced on 08.09.2017 itself. After Post Mortem report the body of the deceased Guddu Singh was handed over to his family. On demand Inquest Report, Post-mortem Report & MER were documented and presented to this

Commission. The report explicitly says that all these prisoners including deceased were treated inhumanely and barbarically as if they were no worse than animals during their production before Court. They were carrying 12 prisoners in a single rope in which 6 handcuffs were there with a distance of three feet between prisoners. The police constables and other officers were certainly negligent during the occurrence as they could not prevent the incident from happening. If the prescribed security would have been properly maintained and they were sent to Court under proper security, the deceased prisoner would not have died as assailants may not have dared to commit offence at least in police custody.

MER was prepared by Shri Manoj Kumar, Judicial Magistrate, First Class, Barh on 03.04.2018. The Gist of Report says that: **"Police authorities are definitely responsible, in my opinion, for the aforesaid negligence resulting into the death of the prisoner, which could have been avoided had the prisoner been given due human care & security."**

Giving proper security to a prisoner during incarceration is the responsibility of the State. In this instant case the State fails in its responsibility causing death of an under-trial prisoner.

In view of the above facts that the **murder of Guddu Singh @ Chotu was committed while he was in jail custody and this incident could have been avoided had proper security and care been given to him, it was obviously sheer negligence of duty on the part of the state machineries.**

It is relevant to mention here that the deceased was the sole earning member of his family consisting of his wife, Soni Devi and an aged mother and since no one is there to look after them, **Commission comes to the conclusion that compensation of sum of Rupees Three Lakh (Rs. 3,00,000) would meet the ends of justice. Let the same be deposited into the account of the wife of the deceased prisoner, Smt. Soni, Devi within six weeks.**

Compliance report be filed by **09.03.2020**.

Copy of this order be given to (i) Soni Devi, wife of the deceased (ii) Principal Secretary, Home, (iii) IG, Prisoners, Patna (iv) DM, Patna and (v) Superintendent, Sub Jail, Barh, Patna for information and necessary action as the case may be.

List on 13.03.2020.

(Ujjwal Kumar Dubey)
Acting Chairperson