

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road, Patna – 15

File No **BHRC/COMP. 3782/12**

Case of Rita Devi

The complaint of Rita Devi wife of Suresh Singh Nishad – a resident of village Mekra, P.S. Mokama, district Patna – is about the raid and search of her house, taking away of papers and her alleged humiliation. She has made specific complaint against Dy.S.P. Barh.

Report was called from the Zonal IG, Patna and he has brought on record the enquiry report of Rural S.P. Patna dated 2.2.2013. As per the IG's report the applicant's house was raided as her husband figured as a named accused in Mokama P.S. Case No.175/12. However, as per the supervision memo of S.P. Rural Patna, the involvement of applicant's husband Suresh Singh Nishad was not found true and he was given a clean chit.

The matter was taken up for hearing in presence of applicant's Advocate Sri Dayanand Singh and S.P. Rural, Patna Sri B.N. Jha on 22.7.2013.

In course of hearing the Commission observed that Suresh Singh Nishad having been given a clean chit, the police are required to justify the raid and search of his house in the wee hours of 18.10.2012. The Commission noted that as many as 22 persons (wrongly mentioned as 21 in the order dated 22.7.2013) figured as named accused in Mokama P.S. Case No.175/12 and it is to be considered as to whether and why applicant's husband was singled out for the police action.

The matter was thereafter taken up for further hearing and finally heard on 6.8.2013 and 7.8.2013 in presence of the Sri Dayanand Singh, Advocate appearing for the applicant and Rural

S.P. Patna Sri B.N. Jha appearing for Sr.S.P. Patna. In course of hearing Sri B.N. Jha produced copies of the relevant station diary entries and case diary from which it appears that a special campaign was carried out to apprehend the accused persons of Mokama P.S. Case No.175/12 and the houses were raided/searched on receipt of information about one Ranvir Yadav and his son taking shelter in a house. The diary vide para 25 reveals that houses of the 'named accused' were raided/searched one after another ('ckjh-ckjh ls') and five accused were apprehended.

Sri B.N. Jha agreed that the events have not been properly recorded in the case diary and that the particulars of the accused whose houses were raided/searched etc. should have been mentioned.

The Commission observed that the applicant's husband being a named accused in a case registered with respect to cognizable offences – having bearing on maintenance of public order, the impugned police action viz. raid/search of the applicant's house (or others') cannot possibly be said to be unjustified. Sri Dayanand Singh submitted that there was no justification to take away papers/documents. Initially there appeared to be some confusion on the point but it later transpired in course of hearing that the allegation of documents etc. being taken away by the police is more or less admitted. In the report of S.P. Rural Patna dated 2.2.2013 there is a clear reference to the assertion by Inspector-cum-SHO Mokama P.S. of returning all the papers to the applicant – in response to her allegation/claim that some of the papers had not been returned – which means that the papers/documents/registers etc. were indeed taken away by the police.

The Commission considered this aspect of the matter and has come to the conclusion that it may not be pursuing the matter

further simply because some documents/registers etc. were taken away by the police which could be result of some wrong understanding or misconception.

As regards the role of Dy.S.P. Barh, the Commission finds that apart from the FIR version of Sub Inspector Satya Narayan Ram – on whose statement Mokama P.S. Case No.175/12 was registered, Dy.S.P. Barh Sri Rajkishore Singh named applicant's husband Suresh Singh Nishad, amongst others, as one of the persons standing near the gate of the boundary wall – carrying lathi, danda etc. – while the crowd was pelting stones etc. but he did not allege any overt act against him unlike S.I. Satya Narayan Ram according to whom Suresh Singh Nishad had poured oil on the police gypsy and set it on fire. It is curious to find that S.I. Satya Narayan Ram in course of supervision by S.P. Rural Patna stated that Suresh Singh Nishad was not present at the P.O. at the time of occurrence. Similar statement was made by chowkidar Baleshwar Paswan. Others did not name him at all. The Commission does not wish to go into this aspect further since Suresh Singh Nishad has already got a clean chit and his alleged involvement in this case is a closed chapter.

Adverting to the complaint of the applicant about the raid and search of her house and taking away papers etc. – in the facts and circumstances the Commission concludes that it is not a fit case to be pursued further. Giving benefit of doubt to the police the Commission would close the file.

The file thus stands closed.

Copy of this order may be sent to applicant and Sr.S.P. Patna.

Date: 12.08.2013

Justice S.N. Jha
Chairperson