

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.2564/14

**Subject: Criminal conspiracy by the then SHO, Bhawanipur, PS (Purnea) in shield accused persons of an accident case.**

**Case of : Sh. Bhawesh Kumar Mandal, Distt. Purnea.**

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Sh. Bhawesh Kumar Mandal (Army Havaladar) had complained to the Commission that his niece, Phool Kumari (8 Yrs) was killed near Satsang Mandir (Bawanipur) on 09.11.2013 by Truck No. BR- 11M 7823. The truck was being driven by its owner Sh. Raju Kr. Sah who did not possess any driving license. The owner fled away abandoning the Truck which was seized by the Police. A case vide Bhawanipur PS(Purnea) Case No. 159/13 dt. 09.11.2013 u/s 279/304(A) /427/IPC was registered.

2. It has been alleged by the petitioner and corroborated in the report of **SP, Purnea** (called at the instance of the Commission) that the then investigating Officer –cum –**SHO of Bhawanipur PS, Sh. Mitesh Kumar connived** with the Truck owner and submitted a report in the Court that the painter had wrongly painted Truck no. as BR-**11M**/7823 instead of correct No. BR-**11S**/7823. This facilitated release of the Truck from the Court.

3. Documents submitted to the Commission indicated that the seized Truck (BR-**11S**/7823) was registered with RTO only on 18.12.2013(**a month after the accident**), fee for registration was deposited on 18.12.2013, fitness Certificate issued on 26.12.2013 and insurance done on 14<sup>th</sup> Dec, 2013 (all after the accident). Sh. Mukesh Kr. Rai from **Rajasthan** claimed driving the truck at the time of the incident. He surrendered in the Court on 28.11.2013 and was granted bail. According to the petitioner, the so called driver gave following statement in the Court:- **Quote** "इस घटना से संबंधित जो भी गाड़ी होगा उसका मैं चालक हूँ।" **Unquote**

The then SHO, Sh. Mitesh Kumar also submitted a Charge-Sheet in haste, against the driver. Commission has also been informed that vehicle no. BR-**11M** 7823 is not a TRUCK but a SUMO.

4. It is, thus, apparent that the Truck involved in the accident which was immediately seized by the Police **was not even registered** on the date of occurrence. SP, Purnea informs that has **reopened investigation** of this case and a **departmental proceeding** has been started against Sh. Mitesh Kumar who is now working as a Police Inspector after promotion.

5. **Commission is of the view that mere initiation of a departmental proceeding against the then SHO, Bhawanipur Sh. Mitesh Kumar may not be adequate to meet the ends of justice as the acts of the officer constitutes a clear criminal conspiracy to help the accused persons. Commission, therefore, directs IG, Darbhanga Zone to examine the matter at his level and get a criminal case instituted and investigated against the Police Inspector Sh. Mitesh Kumar, the then SHO, Bhawanipur PS, and inform the Commission by 30<sup>th</sup> May,2015.**

6. **Copy of the order along with complaint filed in BHRC [at Pg.(36-01)] & report from SP, Purnea a [Pg. (39-38)] be sent to IG, Darbhanga Zone for necessary action and to the DGP, Bihar for information. A copy of the order be also sent to DIG, Purnea & SP, Purnea for information.**

7. The matter be listed next on 08<sup>th</sup> June, 2015.

Date: 21.04.2015

SP/DS

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(Neelmani)  
Member