

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.4225/13

**Subject:Illegal detention under a Summon issued by the court**

**Case of Sh. Rampratap Kushwaha, PS- Dhanha, (Bagha Police district)  
W. Champaran**

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Sh. Rampratap Kushwaha, vill. Ranglalahi, PS. Dhanha (**Bagha**) distt. W. Champaran had complained to the Commission that the Court of First Class Judicial Magistrate, Bagha had issued a summon **for his attendance** and it was sent to Dhanha PS for service. When the petitioner was at his shop, the **A.S.I** of Dhanha PS, Sh. Umesh Kumar Singh arrested him and brought him to the Police Station. Petitioner's father met the SHO, Dhanha, PS., Sh. Roushan Kumar and requested for release of the petitioner as court had issued summons only and not a warrant but both the officers demanded Rs. 20,000 (Twenty Thousand) which his father refused and the petitioner was locked up and sent to the Court. The Court immediately released the petitioner.

2. Commission sought a response from **SP, Bagha** who has informed that both the Police Officers overlooked the fact that it was a summon only and not a warrant. Arrest of the petitioner on 09.10.2013 was entered in the Station diary of the Police Station. The petitioner was forwarded to the Court, under custody, with an endorsement, written on the back of the summons itself, by A.S.I, Umesh Kumar Singh. SP, Bagha, has not indicated what action he has taken against both the Officers.

3. It is a case of gross negligence. Even a literate constable knows the difference between a summon and warrant. How the A.S.I and the SHO failed to see it, is beyond imagination.

4. **Commission, therefore, directs following actions in the matter:-**

- (a) Home Dept., Govt. of Bihar should pay a compensation of Rs. 30,000 (Thirty Thousand, within two months, to the petitioner for the Human Rights Violations he has suffered in the process.
- (b) Stern disciplinary action should be taken against SHO, Dhanha PS. S.I Roushan Kumar and A.S.I Umesh Kumar Singh and intimated to the Commission by SP, Bagha within one month.
- (c) DGP, Bihar will kindly pull-up SP, Bagha and see that the officers at the PS. level are adequately sensitized against such blunders.

5. A copy of this order along with a copy of complaint filed in BHRC and the report from SP, Bagha be sent to the (i) **Principal Secretary, Home Dept. Govt. of Bihar** (ii) **DGP, Bihar** and (iii) **SP, Bagha** (w.r.t his memo no. 100/ज०शि०को० dt. 09.02.2015) for **necessary action** and (iv) **Petitioner** for information.

Date: 10.04.2015

**S.P.**

Sd/....

(Neelmani)  
**Member**