

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.3959/12

Sub: Mala fide detention in a fabricated Arms Act Case.

Case of : Supaul distt.

Sri Lal Mohan Mandal, v. Thumha P.S Pipra , SUPAUL had complained to the commission that he and Sri Ravindra Ram were sent to jail on 24.09.2011 for allegedly keeping illegal arms in a case registered by Police Officers at Pipra P.S. **SP. Supaul** found the case to be **totally false** and held that **S.I.** Smt. Arti Kumari Jaiswal , the then **SHO**, Pipra P.S, S.I Shambhu Kumar and A.S.I Brij Kishore Singh,Pipra PS were responsible for **fabrication of evidence** and directed for institution of a criminal case against these officers. Lal Mohan Mandal & Ravindra Ram were released from jail after illegal detention of 56 days.

2. On query from the Commission, it was informed that:-

- (a) A criminal case vide Pipra PS case no.144/11 dated **16.12.11** u/s 167/211/218/120(B) IPC & 13(1) (D) Prevention of Corruption Act has been instituted against these officers.
- (b) Supervision of this case had been entrusted to SP, MADHEPURA.
- (c) Departmental Proceeding nos. 01/12, 02/12 and 03/12 had been started against these officers.
- (d) SI Smt. Arti kumari Jaiswal, SI Shambhu Kumar and ASI Braj Kishore had been transferred /posted in Munger, Supaul and Saharsa districts respectively.

3. Commission in its order dt. 7th Feb, 2013 asked for immediate completion of investigation of the above case and the departmental proceedings and also **awarded 30,000/-(Thirty thousand)** each to Sh. Lalmohan Mandal and Sh.

Ravinendra Ram for illegal detention. The Home Deptt. immediately paid the awarded compensation in March,2013.

4. Commission kept on continuously monitoring progress in investigation and the departmental proceedings. **IG, Darbhanga Zone** has now informed that "**Two Black Marks**" have been awarded to each of the three officers in the departmental proceeding and **Charge-Sheet** no. 07//15 dt. **29.01.2015** u/s 167/211/218/120-B/IPC has been filed **in the court** against (i) S.I Smt. Aarti Kumari Jaiswal the then SHO, Pipra (ii) S.I, Shambhu Kumar and A.S.I Brij Kishore Singh(of Pipra case) and (iv) private driver, Kailash Singh after obtaining prosecution sanction from DIG, Kosi Range, Saharsa,.

5. **Commission is of the view that this is a fit case for SPEEDY TRIAL by the Special Court set up by the Bihar Government (notification no.1607 dated 18.3.2011) designating the court of Addl. District & Sessions Judge-I as the Court of Session for each district for speedy trial of offences u/s 30 of the Protection of Human Rights Act, 1993. Commission requests Hon'ble High Court, Patna to issue suitable directions in this regard.**

6. Copy of this order be sent to the (i) **Registrar General, Hon'ble High Court Patna** for **necessary action** and to (ii) **IG, Darbhanga Zone** (iii) **DIG, Kosi Range, Saharsa**(iv) **SP, Supaul** for information.

16.03.2014

SP/DS

Sd/-
(Neelmani)
Member