

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.248/14

**Sub: Suicide inside Police Station Hazat of Muffasil PS. Purnea dated 21/22 Aug,2004.**

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Mossamat Akalima Khatoon, w/o late. Noman Ali, vill. Badhua Tola, P.S- Muffasil(Sadar), distt. **Purnea** had filed a writ petition (C.W.J.C No. 982 of 2009) before the Hon'ble High Court, Patna for award of compensation for the death of her husband who died of hanging in the police custody in the Muffasil Police Station of Purnea in the night of **21/22Aug 2004**. The Hon'ble High Court, in its order dated 18.7.2013, directed the petitioner to approach the Human Rights Commission. The petitioner approached BHRC in Jan, 2014.

2. Commission sought detailed responses from **SP, Purnea** and **IG, Darbhanga Zone**, Commission has been informed that the deceased Md. Noman was assaulted/humiliated by Mukhiya, Dhananjay Bhagat and other villagers charging him to be caught red handed(with saw) while cutting an electric pole. He was handed over to the Police Station and a Muffasil Case No. 220/04 dt. 21.08.2004 u/s 379/511/ IPC was lodged against him. Md. Noman was **found dead** in the morning of 22<sup>nd</sup> August, 2004 having hanged himself inside the Hazat through his Lungi from the gate of the Hazat. A Magisterial inquest and post-mortem was done. The post-mortem done by the Medical Board indicated "**in our opinion the cause of death is due to asphyxia by hanging and suicidal in nature**".

3. Muffasil P.S Case No. 222/04 dt. 22.08.2004 u/s 448/323/342/302/34/IPC was registered on the statement of his wife Mosst. Akalima Khatoon alleging that the Mukhiya had caught his husband from his house, thrashed/humiliated him badly and handed over to the Police.

The case was held true u/s 306/34/IPC (abetment to commit suicide) and Charge-Sheet was submitted against Mukhiya Dhananjay Bhagat. Mukhiya, however, was **acquitted** by the Fast Track Court in Sessions Trial No. 1279/06.

4. Dy. SP, Hdqrs, Purnea, during his supervision had recommended **action for negligence** against Hazat duty constable 451, Rambachchan Prasad, A.S.I, Manidar Singh and the SHO, S.I, Suresh Ram to SP, Purnea vide his memo no. 697/04 dt. 23.08.2014.

5. **It is true that the husband of the petitioner died of asphyxia due to hanging /suicide inside the Police Hazat. There is nothing on record to suggest the contrary. However, Police cannot get away from the responsibility of ensuring safety and security of persons in its custody. State also owes to the petitioner in as much as it failed to protect her husband while in its custody.**

6. **Commission is, therefore, inclined to award a compensation of Rs. 2, 00,000 (Two Lakhs) to the petitioner to be paid by the Home Deptt., Govt of Bihar within two months SP, Purnea will also inform the Commission about administrative actions taken against the SHO, ASI, &the hazat duty constable within two months.**

7. Copy of this order along with copy of the report from IG, Darbhanga Zone be sent to (i) **Principal Secretary, Home Deptt., Govt. of Bihar for necessary action** (ii) **DGP, Bihar** (iii) **IG, Darbhanga Zone**, (iv) **DIG, Purnea** (v) **SP, Purnea** and the (vi) **Petitioner** for information.

Sd/..

Date: 14.5.2015

(Neelmani)

**Member**

**SP/DS**