

# **BIHAR HUMAN RIGHTS COMMISSION**

*9, Bailey Road, Patna*

**File No. BHRC/Comp. 1362/11**

**(Suo Motu Cognizance)**

**Case of Amit Kumar (Illegal detention for 70 days:  
Compensation awarded)**

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23.06.2016

DSP Sadar, Begusarai Sri Rajesh Kumar present.

Cognizance of the matter was taken suo motu on the basis of press reports appearing in “Hindustan” dated 9.06.2011.

According to DSP’s inquiry the victim (Amit Kumar, resident of Makasaspur Tola within Bihat Panchayat of Begusarai distt.) is working in Delhi. I have gone through the record. It appears that there was no evidence for the police to keep the detainee in detention for 70 days.

An FIR had been filed with regard to alleged kidnapping of a girl. It is not also clear whether the detainee’s name was mentioned in the FIR but as per the report, there were people who said that the detainee was responsible for getting the alleged kidnapped girl married. The allegation was ultimately found untrue within a week and it was found to be a case of murder and the body of the girl was found in the house of another person who had no connection with detainee but inspite of that he was kept in detention for a period of 70 days.

Ultimately, it was said before the competent court nothing had been proved against the detainee and he was released. Personal liberty is not enjoyed by the people of the country as a concession from the state but as a sacred right. It is settled in law that a person cannot be deprived of his liberties on mere suspicion and one has to follow the procedure as established by law. In the present case, I find that there was no reason for the police to put an innocent person in custody for a period of 70 days that too after accusing him of serious offence.

Since this matter pertains to 2011 it may not be possible to fix the responsibility of the police officers who were insensitive towards the rights of the detainee. No action is recommended. However, the Commission feels that ends of justice would be met if a compensation of Rs.70,000 (seventy thousand rupees) is paid to the detainee. This shall be paid within a period of four weeks.

The address of the detainee shall be given by the DSP, Sadar, Begusarai to the Commission so that the detainee is also sent a copy of this order.

List on 2.08.2016.

Copy of this order be given to SP, Begusarai and Principal Secretary, Home for information and necessary action.

***(Justice Bilal Nazki)***  
***Chairperson***