

BIHAR HUMAN RIGHTS COMMISSION (BHRC)

9, Bailey Road, Patna

File No. BHRC/Comp. 882/15 & 482/15

Case of Shabnam Devi: (Compensation awarded for Illegal detention).

06.08.2018

Applicant Shabnam Devi (Ward Counsellor, Ward No-17, Municipal Corporation, Begusarai) is represented by her Counsel Sri S.K. Lal.

It is the admitted case that petitioner's husband was made accused in Begusarai. Mufassil P.S. Case No.26/14 without any fault which appeared under the direction of Police Superintendent Mrs. Harjot Kaur. Claim is that in the reaction thereof petitioner's younger brother-in-law made accused in Mufassil P.S. Case No.368 of 2014. He was arrested and sent to judicial custody. Further it is claimed that petitioner's aged retired father-in-law was taken to Mufassil P.S. The involvement of petitioner's husband in Mufassil P.S. Case No.26/14 is against Rajkishore Prasad Singh, SDPO, Begusarai. Report from Superintendent of Police through letter No.8129/C is to the effect that in Mufassil P.S. Case No.368/14 petitioner's younger brother-in-law was taken into police custody on 17.11.2014 at about 11:30 PM but his arrival in Police Station is shown of 19.11.2014 at 15 Hrs. Diary/Register kept in Police Station was not found mentioning 17.11.2014. Petitioner's father-in-law was also found taken into custody at about 7:00 PM on 28.12.2014 which also is not mentioned in any diary or register, only his release on 29.12.2014 on PR bond is mentioned.

Undoubtedly, petitioner's younger brother is facing trial in above P.S. Case No 368/14 but petitioner's father-in-law is not accused in any case. Petitioner's younger brother's custody from 17.11.2014 at 11:32 to 19.11.2014

at 15 Hrs. can be said illegal detention and not justified also. But custody of petitioner's father-in-law for a moment is illegal detention. Keeping in view the involvement of petitioner's younger brother in heinous crime case only an amount of Rs.20,000 is recommended for his illegal detention as compensation while that for petitioner's father-in-law for his illegal detention compensation amount of Rs.50,000 is recommended which shall be paid within a period of one month.

Further submission of learned counsel for the petitioner is that Investigating Officer or SHO of Begusarai was not responsible for petitioner's husband's false involvement or illegal detention of petitioner's younger brother-in-law or father-in-law rather Rajkishore Prasad Singh, SDPO, Begusarai was responsible for the same, main grievance of the learned counsel is that departmental proceeding is started against SHO Rajesh Ranjan, Begusarai Mufassil Police Station. While discussing violation of human rights of petitioner's younger brother-in-law or father-in-law liability can be fixed or not against police department it is for it only to fix specific liability upon its official. We have no concern with criminal and other liability if can be concluded against any of the police officials.

Copy of this order be sent to (i) petitioner (ii) SP, Begusarai (iii) Principal Secretary, Home & (iv) DGP, Bihar for information and necessary action.

Compliance report be submitted by 27.09.2018

List on 04.11.2018.

(Justice Mandhata Singh)
Acting Chairperson