

**File No. 4213/14 along with**

(2)920/13	(3)6015/16	(3)1291/19	(4)505/16
(5)3243/18	(6)190/4/26/2019	(7)3253/18	(8)7008/18
(9)3000/17	(10)2987/17	(11)3583/18	(12)953/12
(13)501/19	(14)1791/18	(15)1054/14	(16)7121/18
(17)5451/18	(18)4534/18	----	(19)2361/13
(20)2428/09	(21)1127/14	(22)5376/16	(23)7444/18
(24)3493/18	(25)7426/18	(26)1198/09	(27)1537/09
(28)2126/18	(29)902/18	(30)6097/18	(31)3805/17
(32)2994/17	(33)475/19	(34)6571/16	(35)7520/17
(36)4402/18	(37)4402/18	(38)4126/18	(39)3854/18
(40)3385/18	(41)5510/18	(42)166/18	(43)275/16
(44)686/18	(45)317/19	(46)1143/4/25/2020	(47)1143/4/25/2020
(48)6828/16	(49)4062/17	(50)7478/17	(51)5996/17
(52)1010/4/8/2019	(53)4414/14		

29.06.2021

All the above mentioned cases relate to the separate applications filed by different applicants, relating to allegations of kidnapping and other allegations.

While hearing File No.4213 of 2015, the then Chairperson finding that though charge sheet has been submitted, but kidnapped person is yet to be recovered, deprecated the irresponsible attitude of the I.O.

Later on several similar applications were directed to be placed before the Commission along with Case No.4213 of 2014.

It further appears that vide order dated 02.11.2015, the State Commission has observed as follows:-

"This is a bunch of cases raising common issues, alleging kidnapped persons have not been found. Police maintains that they have arrested the kidnappers and have even filed charge sheets against them. The courts will

decide about the guilt of persons so charged. However, Commission feels unless such kidnapped persons are found, the police, by filing charge sheets, cannot claim that they have discharged their responsibilities. The Commission is interested in welfare and rights of alleged kidnapped persons.

Since the matter pertains to various districts therefore a letter be addressed to DGP who shall depute an officer for hearing of this case so that instructions are given which are executed through the office of the DGP.

List on 15.12.2015."

In its order dated 15.12.2015 State Commission has observed as follows:-

"DIG (Human Rights), Mr. Asgar Imam present.

The DIG will submit a detailed report as to how the Department is going to tackle the cases in which charge sheets have been filed against persons for kidnapping but the kidnapped persons have not been found. There are many such cases pending before courts and the Commission feels that there might be many other cases of such nature. Therefore, the DIG shall furnish a report as to how many such cases are pending in courts. He shall also apprise the DGP of the situation.

The Commission feels that in absence of the production of kidnapped in court the accused may not be convicted. Although police claims to have solved these cases but as a matter of fact the cases are not solved till either the abducted persons are recovered or it is established that he has been done away with.

Put up after six weeks i.e. on 29.01.2016."

In its order dated 29.01.2016 & 09.06.2016 the State Commission has observed as follows:-

"DIG (Human Rights), Mr. Asgar Imam present.

Report has been filed in which it is stated that there are 124 matters (charge sheets) are pending in various courts in which the main allegation

is of kidnapping but the kidnapped persons have not been found. The DIG submits that there is a mechanism in place through which it operates to find out the missing persons or kidnapped person. Obviously this system needs to be improved.

Therefore, let the DIG convene a meeting of experts in consultation with the DGP, Bihar to find out the ways in which system can be improved. Some of the kidnapped persons might have been even killed therefore, it is very essential for the police as well to know the fate of those who have been kidnapped and not found.

The matter is adjourned for three months. List on 28.4.2016."

Again vide order dated 25.04.2016 the Commission had passed the following order:-

"SP(D) CID, Sri Sanjay Kumar present.

All the matters were taken up by Division Bench considering their importance of the matter and in view of the experience of Sri Neelmani, Hon'ble Member, Division Bench was constituted.

A report has been given in June. This report leads us nowhere. It only mentions that SOP has been prepared. The fact remains that kidnapped persons are not found. After considering the issue we find that the police department should take this matter seriously and constitute a cell headed by State CID with IGP rank officer as head to monitor the efforts made by various districts to find out the kidnapped persons.

Let the report be filed by the cell after three months. After constituting the committee headed by the IGP, DIG of various ranges should also monitor the efforts being made by police to recover the kidnapped persons so that it is easy for the IGP to supervise and monitor.

List on 8.09.2016."

It further appears that thereafter since the post of Chairperson remained vacant, it appears that matter was kept pending.

However, matter was taken up again and discussing earlier orders, as mentioned above, a detail order has been passed vide order dated 08.09.2020 calling upon IG, CID to submit detail reports.

It further appears that a report was submitted by SP(D) CID vide his letter dated 09.11.2016 in Case No.1369/2014 & 4213/2014 (kept at page 205 to 209) showing that 33 victims were recovered. The above report further disclosed that on collecting report from all the districts, altogether there are 5032 cases of kidnapping in between 2009 till the date of submission of report in which victim has not been recovered, out of which in 197 cases charge sheet had already been submitted.

The above figures show how alarming is the situation. No doubt once the accused persons are arrested, the police can not wait indefinitely for recovery of victim and considering the provisions of section 167 of Code of Criminal Procedure, charge sheet had to be submitted, continuing the investigation for recovery of victims. However several cases are more than seven years old, but there is nothing available on the record to show that any steps for recovery is taken by the police. It appears that the IO's are working in most irresponsible manner and not much interested in recovery of the victims.

From earlier order, it appears that a SOP was prepared for dealing such matter but it is not clear as to whether any steps are being taken or not. The State Commission is coming across of such types of complaint regularly.

Fair investigation is fundamental right of a person like fair trial. At the same time the Commission is not only interested in fair investigation but welfare of the victim is also of prime concern.

It appears that inspite of order dated 08.09.2020, neither any report had been submitted showing the steps taken and showing the up-to-date date nor any senior officer has appeared.

In another case i.e. Case No.920 of 2013 vide order dated 24.02.2021, ADG(CID) was requested to appear before the Commission with his valuable suggestions as to how this problem can be tackled. However, he has also not appeared and it was informed that he is away in connection with Assam Vidhan Sabha election.

In one another case i.e. File No.3253 of 2013, IG, Central Range was authorized by DGP in pursuance of order of this Commission.

I.G. Central Range Sri Sanjay Singh is present but he is not aware of the fact of the case. ADG (CID) has not appeared inspite of direction of the State Commission. That shows the indifferent attitude of the police to the problems discussed above.

As there are cases from all over Bihar, the State Commission thinks it appropriate that either DGP Bihar should authorize the ADG(CID) to appear with up-to-date date and details of progress in such type of cases.

Registry to send a copy of this order at once to the Addl. Chief Secretary, Home and DGP, Bihar for information and necessary action.

Put up on 16.08.2021.

**(Ujjwal Kumar Dubey)**  
Member

**(Justice Vinod Kumar Sinha, Retd.)**  
Chairperson