

ORDER

Dated 03.07.2026

1. Vide Order dated 22.06.2026, this commission had directed the Chief Secretary, State of Bihar, Patna, the Director General of Police, Patna, Bihar and the Superintendent of Police, Bhojpur at Aara to submit their replies/report in four weeks and the cases were directed to be posted for hearing on 13th July 2026.
2. All these cases are relating to death of a person named Bharat Bhushan Tiwari s/o Kashinath Tiwari, R/o Village Belauthi, Police Station Shahpur, District Bhojpur, occurring on 17.06.2026 at Belauthi P.S. Shahpur District Bhojpur, at Aara, Bihar.
3. Today an application has been filed by State of Bihar through the Additional Director General of Police, Law and Order, Bihar, on behalf of all Respondents, for seeking extension of time by further two weeks to submit replies/reports on the ground that the matter is under investigation and lot of information is being collected from various authorities and offices. The Commission is also apprised by the Respondents that the subject matter in issue is also under judicial inquiry by Inquiry Commission headed by the Former Judge of Hon'ble Patna High Court. With this submission, a request for adjournment of these cases is made on behalf of the Respondent - State of Bihar and its authorities.

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4. It is not in dispute that Bharat Bhushan Tiwari died and Report of Postmortem examination of his dead body shows that he died because of haemorrhage and shock and its complications resulting from the injury caused by projectile firearm.
5. Thus, the facts of the case undoubtedly involve the tragic loss of a young life. It needs to be put on record that public law jurisprudence dictates that a final order of compensation against the State relies on clear establishment of vicarious tortious liability of the State. For coming to this conclusion, conclusive proof that the State machinery acted with unprovoked illegality, malice or gross negligence exceeding the lawful boundaries is essential. It is seen from the submissions of the State before this Commission that the matter is under investigation as well as under inquiry. It is yet to be culminated in filing of a final report or submission of report of the Judicial Inquiry. Whether fatal injury sustained by the deceased is caused by the functionaries of the State is not yet established nor any such inference can reasonably be drawn at such premature stage. Any comments by this Commission thereon while deciding the application of adjournment would run the grave risk of prejudging the outcome of the pending investigation and inquiry. Therefore, at this stage it would be very unfair to determine tortious liability of the State as evidentiary dust is yet to settle and primary investigation is yet to be finalised. Therefore, I see no reason to refuse to grant adjournment as prayed on behalf of the State.
6. However, it hardly needs to mention that the Protection of Human Rights Act 1993, is a piece of welfare legislation. We all take

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pride in saying that the State of Bihar is a well ruled progressive welfare state. The Commission is conscious of the fact that at this stage tortious liability of the State cannot be inferred, however, I myself have ventured to point out the beneficial provision of Section 18 (c) of the Protection of Human Rights Act 1993, to the State of Bihar and suggested that the State of Bihar should consider grant of some interim compensation to next of kin of Bharat Bhushan Tiwari (since deceased) without prejudice to the outcome of pending inquiry and investigation. The note of the Registry of this Commission shows that Kashinath Tiwari, R/o Village Belauthi, Police Station Shahpur, District Bhojpur at Aara, being father of the deceased is next of kin of the deceased.

7. At this juncture, it is apposite to quote the provisions of Section 18 (c) of the Protection of Human Rights Act, 1993. It reads thus-

“18. Steps during and after inquiry.- The Commission may take any of the following steps during the completion of an inquiry held under this Act, namely: -

- (a) -
- (b) -
- (c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (d) -”

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8. In this view of this matter, adjournment of further two weeks prayed by the State of Bihar is granted. In the meantime, State of Bihar, without going into the question of liability of the State, shall pay suitable amount as ex-gratia payment to the parents of the deceased by considering them as dependants of the deceased and keeping in mind the loss suffered by them due to death of their son. All the cases be now listed for filing replies/response by the State of Bihar and its authorities on 3rd August 2026. Inform all parties including Complainants that the cases are fixed for filing replies/reports by the State of Bihar and its authorities on 3rd August 2026.

A.M. Badar.
3-7-2026.

(Justice A.M. Badar)
Chairperson
Bihar Human Rights Commission