(File No.4180/4/23/2022)

Judgement & Order

10.05.2024

Shri Rajesh Kumar, Dy. SP, Head Quarter, Muzaffarpur along with Sh. Vijay Kumar Singh, Police Officer In-charge, Ahiyapur, Muzaffarpur, are present today before the Commission. They are heard.

2. The complaint in the instance case came to be filed by one Vidhya Sagar. It is alleged in the said complaint that victim Nantun Das Nemai came to be arrested by Police from Police Station, Ahiyapur, Muzaffarpur on 26.03.2022. He was detained for two days in the Police Station where said Nantun Das Nemai was beaten and pressurised to give road by demolishing the boundary. When victim Nantun Das Nemai gave land for passage by demolishing it was released by the Police.

3. Initially the Additional Director General, BHRC conducted preliminary inquiry and hold in whole that allegations are un-supported by the evidence and therefore, the complaint may be dismissed.

4. Thereafter, the Additional Director General, BHRC, Patna gave a subsequent report dated 20.03.2023 by stating that the complaint and the victim appear before him and gave evidence to the effect that after released from the Police Station on 27.03.2022, the victim was examined by the Community Health Centre and that centre give representative regarding injuries suffered by the victim. It is reported that victim Nantun Das Nemai was assaulted in the police custody.

5. On the basis of the material on record by Leaned Predecessors concluded that the victim was assaulted in police custody by detaining him illegally and has recommended for payment of compensation of Rs. 25000/-(Twenty five thousand) to the victim apart from recommendation of departmental inquiry against the Police Station Officer, Ahiyapur Sri Vijay Kumar Singh. By passing this preliminary order my Learned Predecessor, BHRC has directed issuance of show cause notice to the respondent as to why final order should not be passed.

6. This how the respondent appear before this Commission. Similarly Shri Vijay Kumar Singh against whom the

departmental inquiry was proposed also appeared through his Advocate. Despite notice of the complainant.

7. Heard. Perused material on record.

8. The complaint is to the effect that the victim was arrested on 26-03-2022 and he was released two days thereafter, after assaulting him in the Police custody.

9. It is seen that the complainant himself with similar allegation has lodged private complain against Shri Vijay Kumar Singh, Police Station Officer apart from other accused persons but that complaint came to be dismissed by the learned Chief Judicial Magistrate, Muzaffarpur on 25-01-2023.

10. Victim Nantun Das was medically examined on 27-03-2022 by the Primary Health Centre upon being referred by the police. The medical report shows that three contusion on his body where three to four days old. The complaint himself has stated that the victim was arrested on 26-03-2022. If that is so then blunt trauma suffered by the victim three to four days prior to 27-03-2022 may not be attributable to his apprehension by the Police on 26-03-2022.

There is

11. ~~They~~ entry in the Station Diary when during the course of inquiry of written application, the Police Officer was questioning , the victim started shouting and as such in exercise of power under Section 151 of the Cr. PC, he was brought to the Police Station the incident happens to be fall out of dispute regarding boundary with the neighbour.

12. In the light of forgoing discussion no case for violation of Human Rights is made out. The complaint as such is filed.

(Justice Ananta Manohar Badar, Retd.)
Chairperson