

(File no. 808/2012)

Sri Ajj Nut (70 years), S/o Lagan nut, vill-Husaina, Sitmarhi had filed a petition before BHRC that even when he was in **Sitamarhi jail** from 23rd March, 2010 to 4th November, 2010, he was **falsely implicated and charge-sheeted** in following dacoity cases **reported during this period** viz. Parsauni PS Case no. 90/10 dated 10.7.2010, Runnisaidpur PS Case no. 118/2010 dated 21.4.2010, Riga PS Case no. 166/2010 dated 12.8.2010, Runnisaidpur PS Case no. 181/2010 dated 6.6.2010 and Runnisaidpur PS Case no. 155/2010 dated 15/15.6.2010.

2. Pursuant to direction from Commission, **SP, Sitamarhi appeared** before the Commission on 4th December, 2012 with Action Taken Report submitting that Ajj Nut had been wrongly implicated in the above cases and **departmental proceedings** had been started against the delinquent Officers (1) Aniruddh Pd. Singh, SHO, Riga P.S. (2) S.I. Thakur Devendra Singh (3) S.I. Vakil Singh, both Runi Saidpur, P.S and (4) S.I. Arvind Kumar, Parsauni, P.S.

3. **SP, Sitamarhi was directed to ensure:-**

(a) Proceedings are conducted / concluded in three months

(b) Miscarriage of justice is rectified and courts apprised accordingly.

(c). Time bound explanations are obtained from the above police officers against **recovery** of proposed compensation of rupees **One Lakh** (1,00,000/-) to be awarded to Ajj Nut.

4. **SP, Sitamarhi has submitted ATR** (letter no.95/GS dated 28.01.2013) indicating actions taken as under:-

(a) Disciplinary proceedings are being conducted **expeditiously**.

(b) Accused has been **discharged** by the Hon'ble Court in Parsauni case no. 19/10 on **13.12.2011** and in Riga PS Case no. 95/10 on **9.1.2013**. **Charge-sheets** submitted earlier against Ajj Nut have been **modified as final report** in Riga PS Case no. 166/10 and Runisaidpur PS Case no. 155/10 & 181/10 and submitted in court on **28.1.2013**.

(c) Regarding explanation against recovery of compensation amount, S.I. Aniruddh Pd. Singh has submitted that the name of Ajj Nut appeared in the statement of various witnesses and he accordingly remanded the accused in the case. This is **unacceptable** because had the I.O. taken pains to examine Ajj Nut before or after taking him on remand, the fact of Ajj Nut being in Jail on the date of the occurrence would have come to his notice. Other officers S.I. Thakur Devendra Singh, S.I. Vakil Singh and S.I. Arivnd Kumar have not submitted explanation even after the due date line despite reminder by SP, Sitmarhi.

5. Commission had proposed to award a compensation of **Rs. 1,00,000/- (One Lakh)** to Sri Ajj Nut for his false implication/illegal detention and recovery of compensation from delinquent officers and sought response from the Govt. & PHQ. PHQ has consented (letter no. 264/12 dated 30.1.2013) to recovery of compensation amount from the delinquent Officers after proceeding.

6. Pursuant to the order of the Commission, Home (Special) Deptt., Govt. Of Bihar has sanctioned **1, 00,000/- (One Lakh rupees)** by way of compensation to be paid to Sri Ajj Nut vide notification no. ओ० / वि०मा०आ०-33 / 12-134 dated 07.01.2013. **Compensation amount be paid to Sri Ajj Nut by 28th February, 2013** positively and compliance sent to the Commission by **District Magistrate, Sitamarhi, Govt./PHQ** is also directed to recover the compensation amount from the delinquent Police officers in the manner deemed fit.

7. Copy of the Order be sent to the **Principal Secretary, Home Department, Govt. Of Bihar, DG, Police, Bihar, District Magistrate, Sitamarhi** and **SP, Sitamarhi** for information and necessary action.

8. Copy of the order be sent to the petitioner as well for information.

Date: 1.2.2013

(Neelmani)
Member