

(File no.2585/2012)

Md. Asraf Ali s/o Md. Shafiq vill. Hussiana, **Sitamarahi** had complained to the commission that his brother Rahamat Ali @ Sunil, a लेथ मशीन shop owner, was called at Mehasaul OP on 11th June, 2012 around 9:00 PM jointly by Sub-Inspector, Mihir Kumar of Mehasaul OP and S.I., Md. Alauddin of Dumra PS, Sitamarhi . After reaching OP he was taken to Dumra PS where he was falsely shown to have been arrested from the house of Dhannu Raut while planning to commit dacoity along with other five criminals. He was sent in custody to the court along with arrested five criminals in Sitamarhi Town PS case no. 405/12 dt. 12.06.2012 u/s 399/402/IPC and 25/26/35 Arms Act. Petitioner complained that his brother was **falsely implicated** because **he had failed to oblige both the police officers by refusing to give his Victa vehicle** a month prior to this incident. Both these officers had threatened him with dire consequences. His ordeal did not stop at that. His innocent brother Rahamat Ali @ Sunil was even Charge-Sheeted on 02.07.2012 in the case along with five arrested criminals. The petitioner asserted that both these officers had called him on his mobile and asked him to call his brother at the OP which he did. This was witnessed by few Taxi owners present there and that the call details will testify it.

2. Allegations being quite serious, **IG, Muzaffarpur Zone** was directed by the commission to enquire into the matter. Sh. **Pankaj Darad, IG, Muzaffarpur Zone** has submitted indepth inquiry report to the commission which establishes that:-

(a) While the case regarding preparation to commit dacoity was true against five arrested criminals, **the accusation against Rahmat Ali @ Sunil was false.**

(b) Call details of Rahmat Ali's mobile did not corroborate his contact with other arrested criminals.

(c) Rahmat Ali @ Sunil had no criminal antecedents.

(d) Call details of petitioner Asraf Ali's mobile corroborated that he was called by S.I Md. Alauddin/S.I. Mihir Kumar on 11.06.2012 at 8:40 PM. Few Taxi owners present there also testified it.

(e) Rahmat Ali @ Sunil was maliciously arrested by S.I Mihir Kumar and S.I. Md. Alauddin (direct Sub-Inspectors of 2009 batch) and forwarded in Sitamarhi Town PS case no. 405/12.

3. **IG, Muzaffarpur Zone ordered following action in the matter:-**

(a) Immediate **suspension** and initiation of **departmental proceedings** against Sub-Inspectors, Mihir Kumar, & Md. Alauddin.

(b) Court to be informed about re-opening of investigation of this case and **Final Report- Accusation false** to be submitted against Rahmat Ali @Sunil to meet the ends of justice.

(c) Miscarriage of justice could have been averted had the SDPO, Sadar, Sitamarhi properly supervised this case. SP, Sitamarhi has been directed to obtain **explanation against proceeding** from Sh. Alok Kumar, the then **SDPO, Sitamarhi**.

4. **Commission appreciates the initiative taken by IG, Muzaffarpur Zone in delivering justice to the petitioner. Commission directs following actions in the matter:-**

(a) It is proposed to award a **compensation of Rs. 50,000** (Fifty thousand) to Md. Rahmat Ali @ Sunil for his wrongful detention from 11.06.2012 to 30th June 2012 when he was released on bail by the court. Govt./PHQ to **recover the amount of compensation from both the Sub-Inspectors**. Govt. and PHQ to respond to this by 10th October, 2013.

(b) Govt. to initiate proceeding against Sh. Alok Kumar, the then SDPO, Sitamarhi for the lapses indicated in the enquiry report of IG, Muzaffarpur.

(c) Proceeding against both the **suspended** officers S.I, Mihir Kumar and Md. Alauddin to be concluded within four months.

(d) SP, Sitamarhi to serve a copy of this order along with the report of IG, Muzaffarpur Zone to (1) Sh. Alok Kumar, the then SDPO, Sitamarhi (2) S.I Mihir Kumar (3) S.I, Md. Alauddin with a direction to submit their defence before the commission by 10th October, 2013 positively against above proposed actions. It should be clarified to them that if they fail to submit their reply/defence to the commission by the due date line, it will be presumed that they do not have anything to submit and the order will be passed.

(e) Copy of this order be **faxed** to **SP, Sitamarhi** and **IG, Muzaffarpur Zone** for necessary action.

5. A copy of petition filed in BHRC, response of the petitioner Pg. (10-9) and report of IG, Muzaffarpur Zone be sent to the **Principle Secretary, Home Department**, Govt. of Bihar and the **Director General of Police**, Bihar, Patna for necessary action and **response by 10th October, 2013**.

Date: 05.09.2013

Secretary

J.S

Sd/-
(Neelmani)
Member