

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road, Patna – 15

File No **BHRC/COMP.** 1497/11

Case of **GIRIJA DEVI**

This matter was heard in presence of the applicant's Advocate and Inspectors Prabhat Bhushan Shrivastava and Bhagwan Prasad Gupta and their Advocates on 10.1.2013 and the decision was reserved.

The complaint is that a police force raided the house of the applicant in the night of 12/13.6.2011 at 2 A.M. when the family members were asleep. They made enquiries about the applicant's son Santosh. In the process they also abused the family members. More or less a similar complaint has been made with respect to another incident of 10.7.2011 in a separate application. It is also alleged that on 13.7.2011 the applicant and her husband were taken to Rajiv Nagar P.S. at about 5/6 P.M. on the pretext that senior police officers wanted to interrogate them. No senior officer however came to interrogate. At about 8 P.M. the applicant's husband was forced to execute a bond for production of Santosh on the next day. It was only thereafter at about 10 P.M. that they were allowed to leave the police station.

It is the admitted position that the impugned police action was in connection with S.K. Puri P.S. case No.83/11 under section 392 I.P.C. relating to snatching of gold chain, ring and wrist watch from the informant of the case, Jyotsana Sharan. As a matter of fact, in the second application the applicant has referred to that case. According to her, however, the case was registered against unknown and the name of Santosh did not figure in the written report/FIR. In other words, the applicant has questioned the propriety of police action on the pretext of making search for Santosh in connection with the said case.

The Commission has perused the case diary of S.K. Puri P.S. case No.83/11 from which it appears that the police did visit the house of the applicant on 12.6.2011. (Time of visit is not mentioned in the diary). The diary however also shows that when the photograph of applicant's son Santosh Kumar (which was taken by the police on 12.6.2011) was shown to the informant, she immediately recognized and identified him as the person who had snatched the gold ring etc. from her.

It is the case of the police that Santosh Kumar was involved in similar cases of snatching of gold chain etc. For example, he has been charge sheeted in Shastrinagar P.S. case nos.1036/06, case no.112/10 and case no.122/10. In other words, the applicant's son has a criminal history. Several cases of chain

snatching had been reported in different quarters of Patna town including the areas falling under Shastrinagar and S.K. Puri Police Stations which are contiguous to each other. The action of the police in trying to apprehend him prima facie thus cannot be said to be unjustified.

But the Commission does not approve the action in taking the applicant and her husband to the police station and obtaining bond under duress for production of Santosh Kumar. For failure to apprehend any accused the police cannot take any coercive action against his family members. In the facts and circumstances, however, the Commission is not inclined to pursue the matter further and take action the police officials concerned. The Commission would instead ask them to be more circumspect and careful in their action.

In fairness to the officials i.e. Inspector Prabhat Bhushan Shrivastava and Inspector Bhagwan Prasad Gupta it may be mentioned that plea of the former was that he was relieved of his duties of S.K. Puri P.S. on 8.6.2011 by order of Sr.S.P. Patna. However, it is clear that even though he was relieved from his duties as SHO he continued to investigate the case by virtue of the same very order of the Sr.S.P. by which the SHOs of Shastrinagar and S.K. Puri Police Stations were asked to concentrate on cases of chain snatching, arrest of the persons involved and recovery of the articles. Thus despite being relieved of his duties as SHO of S.K. Puri P.S. he continued to investigate Case no.83/11. As a matter of fact, in the show-cause of Inspector Bhagwan Prasad Gupta it has been specifically stated that he (Sri Prabhat Bhushan Shrivastava) had raided the house of the applicant on 12.6.2011 – a fact borne out from the case diary itself, written in his hand.

As regards Inspector Bhagwan Prasad Gupta, he joined as SHO of S.K. Puri P.S. on 22.6.2011. He did visit the applicant's husband on 10.7.2011. What transpired then is difficult to say. There are statements vs. statements. The Commission does not want to go by conjectures and surmises. The Commission is of the view that admonition to be circumspect and careful in future – in the facts and circumstances of the case – would be sufficient.

With the above observations the file is closed.

Copy of this order may be sent to (i) applicant (ii) Sr.S.P. Patna, and (iii) Inspector Prabhat Bhushan Shrivastava, presently, Economic Offences Unit, CID and (iv) Bhagwan Prasad Gupta, presently SHO Malsalami P.S.

Date: 28.1.2013

Justice S.N. Jha
Chairperson