

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

File No **BHRC/COMP.** 2214/12

Case of **NIRUPAMA SINGH**

The matter was heard on 28.2.2013 in presence of S.I. Ranjit Kumar who appeared on notice in terms of section 16 of the Protection of Human Rights Act. Applicant Nirupama Singh was present at the time of hearing along with husband Santosh Kumar – the victim of the incident.

At the outset it may be mentioned that the file was closed earlier on 17.10.2012 on consideration of the report of SDPO Phulwarisharif brought on record by Sr.S.P. Patna which gave a clean chit to the applicant's husband as regards Naubatpur P.S. Case No.120/12. The report further revealed that rather than the applicant's husband, Prashant Satyam alias Ranu – on whose information the applicant's house was raided and he was taken into custody – was being charge sheeted.

Applicant filed application pointing out that no action had been taken by the Commission against S.I. Ranjit Kumar of Naubatpur P.S. who was responsible for instituting the case on the basis of fake and concocted recovery of fire arms from her husband. The Commission issued notice to S.I. Ranjit Kumar who pursuant to notice appeared and also filed his written defence.

As per the written report of S.I. Ranjit Kumar dated 15.5.2012 on which Naubatpur P.S. Case No.120/12 was instituted, a 'confidential' information was received at about 8 P.M. in course of patrolling that illicit fire arms had been kept in the house of Santosh Kumar; on receipt of information he raided his house at 9 P.M, made search of the room in which Santosh Kumar was found to be sleeping and on search, a country made pistol and two live cartridges were found concealed under the pillow. Santosh Kumar failed to produce any document showing their valid possession nor gave any explanation in that regard, and therefore he was taken into custody after preparing seizure list in presence of two independent witnesses.

The supervision of the case revealed that there was enmity between Santosh Kumar and Prashant Satyam alias Ranu on account of land dispute and he therefore hatched a conspiracy and gave false information to the police for his arrest. The investigation further revealed – in course of inspection of the P.O. – that both Prashant Satyam alias Ranu and Santosh Kumar lived in the same room side by side and it was possible to move from one side to another. The supervising officer not only disbelieved the recovery of fire arms from under the

pillow, he came to the conclusion that the entire incident was concocted and the result of conspiracy.

In course of hearing S.I. Ranjit Kumar placed reliance on the alleged recovery and seizure of fire arms from under the pillow of applicant's husband and he submitted that he instituted the case bona fide on the basis of recovery and acted in accordance with law in performing his duties.

The plea of the officer is in the teeth of the findings of the supervising officer and the ultimate result of the case. It is clear that the information supposedly passed on by Prashant Satyam regarding keeping of fire arms was false and if it was so it would follow that the entire case of recovery of fire arms is concocted. Further, if there was conspiracy to implicate applicant's husband, and the search of his house/room and his arrest was result of conspiracy, it is clear that S.I. Ranjit Kumar was part of conspiracy. It is to be kept in mind that at the end of investigation charge sheet was submitted against Prashant Satyam @ Ranu rather than the applicant's husband. Having submitted a false and concocted report against applicant's husband leading to his arrest and detention for 33 days (Santosh Kumar was released on the orders of the Sessions Court on 18.6.2012), S.I. Ranjit Kumar cannot be absolved of his role which involves violation of human rights of the applicant's husband. In the circumstances, the Commission is of the view that disciplinary proceeding should be initiated against him and he should pay monetary compensation. In the facts and circumstances, the amount of compensation is quantified at rupees fifty thousand.

As a matter of fact, having abetted lodging of a false case involving planting of arms & ammunition it is for consideration as to whether criminal proceedings should also be initiated against S.I. Ranjit Kumar.

In the result, the Commission directs Sr.S.P. Patna to recover sum of rupees fifty thousand from the salary of S.I. Ranjit Kumar – then posted at Naubatpur P.S. now at Pirbahore P.S. and pay the amount to the applicant's husband Santosh Kumar within six weeks. Besides, Sr.S.P. Patna is also directed to consider initiating disciplinary proceeding and criminal case against S.I. Ranjit Kumar for his acts of omission and commission involving entering into conspiracy with Prashant Satyam @ Ranu, lodging a false case on the basis of fake recovery, and in furtherance of the recovery, making arrest of the applicant's husband.

Copy of this order may be sent to (i) Sr.S.P. Patna for compliance, (ii) S.I. Ranjit Kumar, Pirbahore P.S. district Patna and (iii) applicant for information.

Put up in the last week of April 2013 awaiting compliance report.

Date: 04.03.2013

Justice S.N. Jha
Chairperson