

Bihar Human Rights Commission

9, Bailey Road, Patna – 800015

BHRC/Comp –2562/13

Case of Jayprakash Sah

Sri Jayprakash Sah, a tea vendor in Runisaidpur Bazar, **Sitamarhi** had complained to the commission on 19th July, 2013 that **A.S.I Arvind Singh** of Runisaidpur PS came to him on 14.07.2013 at about 4:00 PM, called him with twenty cups of tea at the PS and put him in the PS **Lockup** saying there was a warrant pending against him issued by Muzaffarpur court. The A.S.I asked the petitioner to arrange Rs.20, 000/- to secure his release. The petitioner told the A.S.I that he & his wife had **surrendered** in Muzaffarpur court in the said case on **24th July, 2012** and were released **from prison on 20th Oct, 2012** and after release had deposited the surrender slip with the PS writer constable on **21st Oct, 2012**. Persuasions from local media people and a RTI activist failed to convince the ASI.. Ultimately the brother of the petitioner had to **cough up Rs.2, 500/- to the ASI to secure his release** at 9:00 PM after furnishing a bond of Rs. Ten thousand.

2. Commission asked Dy. SP, Sitamarhi to appear before the commission with action taken report. According to the response submitted by SP, Sitamarhi allegations were found true in inquiry and the A.S.I was placed under **suspension** and **departmental proceeding** initiated against him.

3. **Commission proposed following actions in the matter:-**

- (a) A compensation of Rs. **20,000/-(Twenty thousand)** by the State Government to the petitioner for his illegal detention.
- (b) Compensation to be recovered from A.S.I Arvind Kumar Singh.
- (c) Home Department and Police Head Quarter were asked to respond to the above by 24th September, 2013.
- (d) The A.S.I was asked to appear before the Commission of 24th September, 2013 and submit his defence against above.

4. Government /PHQ have not submitted any response so far. The A.S.I denied the allegations and submitted his written defence which has been subsequently found to be unsatisfactory and misleading by SP, Sitamarhi (letter no. 1083/GS dt.11.10.2013) after his detailed inquiry.

5. Commission, therefore, recommends following actions in the matter:-

- (a) Departmental proceeding against the suspended A.S.I Arvind Kumar Singh to be concluded within three months.
- (b) Government to award a compensation of Rs. 20,000/- (Twenty thousand) to the petitioner within two months.
- (c) Subject to the out-come of the proceeding , the amount of compensation shall be recovered from A.S.I Arvind Kumar Singh by SP, Sitamarhi in the manner deemed fit.

6. Copy of the order be sent to 1. **Principal Secretary, Home Deptt.**, 2. **DG Police, Bihar**, 3. **SP, Sitamarhi** for necessary action and 4. ASI Arvind Kumar Singh (through SP, Sitamarhi) and 5. the petitioner for information.

Date: 11.03.2014

Sd/-
(Neelmani)
Member

Secretary.

SP/Dy. Secretary