

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna – 15

File No **BHRC/COMP. CD-59/12**

Case of Bilash @ Ram Bilash Bind

Applicant Radha Devi wife of the deceased is present. Sri Om Prakash Gupta, Director, Probation Services is also present.

This is a case of custodial death. The husband of the petitioner, namely, Bilash @ Ram Bilash Bind was arrested by police on 15.6.2013 for minor offences under Electricity Act. It appears that he was sent to judicial custody and was received on 16th June, 2013 at Shaheed Jubba Sahni , Central Jail, Bhagalpur. On 17.6.2013 i.e. just after a day of being admitted to jail he complained of pain and was referred to hospital after being examined by the jail doctor. He died on the same day. There is firm opinion of the doctor who conducted the post-mortem that the deceased died because of violence having been committed against him. The cause of death was rupture of spleen and according to post-mortem report the deceased died due to hemorrhage due to spleen rupture and the rupture having been caused by hard and blunt object. The son of the deceased had told the magistrate that the deceased was arrested on 15th June, 2013 at 12 in the night and at that time he had seen his father being arrested by the police. During arrest he was manhandled but it is also a fact that when he was received in the jail he was examined by the doctor and he had not found any abnormality with the deceased. One thing is certain that the deceased got fatally injured either by the police or by the jail authorities.

Prima facie there is a case of investigation u/s 302 of IPC. Therefore the police concerned is directed to register the case u/s 302 and investigate the matter. SSP, Bhagalpur is directed to hand over the investigation of the case to an officer not below the rank of Inspector of Police and monitor the investigation himself. He is also directed to give a report to this Commission within two months. Commission is convinced that the deceased has died because of the injuries he received either in the police custody or in jail custody and both the departments belong to the state. As such there is no difficulty in ordering suitable compensation to be paid to the wife and five children of the deceased. The man was accused of committing theft of electricity and ultimately he lost his life at the age of 49 years.

The Commission directs payment of rupees five lakh by way of compensation to the petitioner within a period of two months. If after investigation the matter is prosecuted and any person is punished by the court for the murder of the deceased the government may recover the amounts paid by way of compensation from such person. But in the meantime, the lady and her children need to be helped on urgent basis.

Copy of the order be sent to the applicant and Principal Secretary, Home Department for information and necessary action.

Date: 19.5.2014

Sd/-
(Justice Bilal Nazki)
Chairperson`