

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna – 15

File No **BHRC/COMP.** 669/12; 634/12 & 3774/12

Case of **Sonu Kumar**

16.09.2014

Rural SP, Patna Mr. Har Kishore Rai is present. Applicant is represented by his father.

Case of the applicant is that he was arrested on 13th December, 2012 and was not produced before any magistrate till 17th December, 2012. It is also submitted that none of the directions of the Supreme Court in D.K. Basu's case were adhered to by the arresting officer. The directions given in D.K. Basu's case are now part of the Cr.P.C. as well. The respondents have not been able to show that any of the directions of the Supreme Court was observed by the arresting officer while arresting the petitioner. It is also conceded that the petitioner was kept in police custody beyond 24 hours although it is contested that he was arrested on 13th December, 2012 it is stated that he was detained on 14th December, 2012 and then produced before the magistrate on 17th December, 2014 who remanded the accused to judicial custody. It is unfortunate that even Judicial Magistrate, Barh did not take note of the fact that the accused was produced before him after 24 hours of arrest. The reason mentioned for producing the accused before the magistrate more than 24 hours after his arrest is that they could not get the train to get the accused from Mokama to Barh. The distance between Mokama and Barh is 30 Kms and it is admitted that police station had a jeep. There are a number of executive magistrates around and the accused was not produced even before them. Therefore his detention beyond 24 hours in police station cannot be justified on any ground. We are told that the officer concerned is already in jail and he is facing charges of custodial killings.

SSP, Patna shall look into the matter and see the possibility of proceeding against the officers concerned and the persons who arrested him on administrative level. The government is directed to pay a compensation of Rs.25, 000 to the petitioner within a period of two months for keeping him in custody for more than 24 hours without valid orders and also for not following the directions given in the judgment of the Supreme Court in D.K. Basu's case. This amount shall be paid through a cross cheque to the petitioner or deposited in his account within a period of two months.

A copy of this order be also sent to the Registrar General of the Hon'ble Court for bringing it into the notice of Hon'ble Chief Justice.

Matter is disposed of.

Copy of the order be sent to the petitioner, the SSP, Patna and the Registrar General of Patna High Court for information and necessary action, as the case may be.

(Justice Bilal Nazki)
Chairperson