

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna
BHRC Case No.4729/13

Case of Vivek Kumar: illegal confinement and assault by SHO, Dhansoi PS. Buxar.

Sh.Vivek Kumar, s/o Sh. Shiv Kumar, vill. Sisonkha, PS. Dhansoi, distt. **Buxar**, complained to the Commission (December, 2013) that he was running a **Vehicle Puncture repair shop** near Dhansoi Police Station Chowk. **On 18th Nov.2013**, around 03:00 P.M, Chowkidar of Dhansoi PS. brought the Hero Honda Motor Cycle of the **SHO, Dhansoi, PS.** for repair of puncture. After it was repaired, the petitioner asked for Rs. 30/- from the Chowkidar as the repair charges. Enraged at it the Chowkidar left the motor cycle and went to inform the SHO. The SHO , Dhansoi PS. came to the petitioner's shop, paid Rs.30/-as repair charges, asked for license of the shop, arrested the petitioner and took him to the police station on motor cycle. **The petitioner was assaulted in the police station by the SHO and locked in Hazat .** Father and uncle of the petitioner, who rushed to the police station, were also misbehaved by the SHO. The petitioner was released around 09:30 P.M on intervention by the SDPO, Buxar.

2. On being asked by the Commission, **SP, Buxar** submitted a detailed inquiry report conducted by the SDPO, Buxar which established assault on the petitioner by the SHO and confinement to lock up. The incident had generated strong protests on the street. SP, Buxar informed that the guilty Sub-Inspector Sh. Mahendra Prasad, SHO, Dhansoi PS. was immediately sent to the police lines and departmental proceeding no. 08/14 was started against him.

3. Commission, in its order dated 13.05.2014 proposed following actions in the matter:-

(a) A compensation of Rs.25, 000/-(Twenty five thousand) to be paid to the petitioner by the Home Deptt., Govt. of Bihar.

(b) Departmental proceeding against the then SHO, Dhansoi, PS. to be fast tracked .

(c) Subject to the out-come of the departmental proceeding , the amount of compensation paid to the petitioner to be recovered from the then SHO, Dhansoi PS.

4. Commission asked the Home Deptt. to respond to the above proposals by 25th June,2014 and also asked the delinquent Sub-Inspector to

submit his defence failing which orders will be passed. The defence submitted by the Sub-Inspector does not **negate** the charge of assaulting the petitioner. The Home Deptt. has not sent any response so far.

5. **Commission, therefore, directs following action in the matter:-**

(a) **A compensation of Rs.25, 000/-(Twenty five thousand) to be paid to the petitioner by the Home Deptt., Govt. of Bihar within two months.**

(b) **Departmental proceeding against the then SHO, Dhansoi, PS. to be fast tracked and decision taken within four months.**

(c) **Subject to the out-come of the departmental proceeding , the amount of compensation paid to the petitioner to be recovered from the then SHO, Dhansoi PS. in the manner deemed fit by the Home Deptt./PHQ.**

6. Copy of the order be sent to the (1) **Principal Secretary, Home Deptt. Govt. of Bihar** (2) **DGP, Bihar, Patna** & (3) **SP, Buxar** for necessary action and to the (4) **Petitioner** for information.

SP, Buxar will make available a copy of this order to Sh.Mahendra Prasad, the then SHO, Dhansoi, PS now posted in Rohtas Police Lines.

Date: 22.07.2014

Sd/...
(Neelmani)
Member

SP.