

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.4203/13

Sub: **A Stray bullet from Police Firing Range hitting the victim.**

Case of : **Sh. Sunil Kumar Mahto (Motihari).**

Smt. Pashupati Devi w/o Sh. Bhulen Mahto, vill. Jagapakar, PS. Hersidhi, distt. Motihari had complained to the Commission that while her son Sunil Kumar Mahto was working as a labourer along with others in the half built house of Sh Ram Prakash Mishra in village Raghunathpur on 20.07.2012, he was **hit in the back by a bullet coming from the Police Firing Range situated close by where firing practice was going on.** She complained that her son was not given any compensation for the expenses on treatment and even his long pending wages were not paid by the house owner.

2. Commission's asked for responses from DM & SP, Motihari (Memo no. 14419 dt. 07.12.2013 followed by reminders). Responses received from DM & SP, Motihari corroborate that Sunil Kumar Mahto was hit by a stray bullet from the nearby police firing range. Turkaulia PS Case No. 397/12 dt. 27.07.2012 u/s 326/307 IPC and 30/27 Arms Act was registered against unknown. Finding no clues, Final report was submitted in the case on 24th Feb,2013. Reports from DM & SP, Motihari do not mention anything about compensation paid to the victim or about fixation of responsibility for the omission /lack of security precautions taken during police firing practice.

3. Response from the Assistant Labour Commissioner

(Research), Labour Resources Deptt. (letter no. 01 / व०भु०अधि० / बि०मा०अधि०-04 / 2016श्र०स०-3328 dt. 02.08.2016) indicate that the Labour Enforcement Officer, Hersidhi, has filed a case in favour of the injured in the Labour Court, Motihari on 12.07.2016.

4. **Commission is , therefore, inclined to order as under:-**

(a) A compensation of Rs. 1, 00,000/-(One Lakh) to be paid to Sh. Sunil Kr. Mahto within two months by the Home Deptt, Govt. of Bihar for the suffering /Human Rights Violations he has suffered at the hands of public servants.

(b) Labour Resources Deptt, Govt. of Bihar will request the Labour Court, Motihari for expeditious disposal of the case.

(c) DGP, Bihar should try to fix-up responsibility for the lapses and take appropriate action to prevent recurrence of such incidents.

5. Commission will be expecting reports from the Principal Secretary Home Deptt. , DGP, Bihar and Assistant Labour Commissioner (Research), Labour Resources Deptt., Bihar by 24th Oct,2016.

6. Copy of the order be sent to the (i) **Principal Secretary, Home Deptt., Govt. of Bihar** (ii) **DGP, Bihar** (iii) **Assistant Labour Commissioner(Research), Labour Resources Deptt.** for necessary action and to (iv) **DM, Motihari** (v) **SP, Motihari** & (vi) **Petitioner** for information.

7. List on 31st Oct,2016

Date: 24.08.2016

Asstt. Registrar

Sd/....
(Neelmani)
Member