

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.1578/14

Sub: Vaishali Police filing Charge-Sheet on a bailer instead of driver in an accident case.

Case of : Sh. Subodh Kumar, distt. Vaishali

Sh. Subodh Kumar(Mob.7781932221) ,S/o Sh. Raghunath Singh, vill. Kutubpur PS. Sadar Hazipur, distt. Vaishali had complained to the Commission that instead of submitting Charge-Sheet against the driver, police submitted Charge-Sheet against the petitioner who was only a bailer of the driver. The matter relates to Sarai PS (Vaishali) Case No. 10/08 dt. 29.02.2008 u/s 279/337/338/427/IPC an accidental case in which the driver was arrested.

2. Commission asked SP, Vaishali for a response. SP, reported that the allegations have been found true. The driver of the vehicle Vishwanath Mishra was arrested . He was released on bail by the Police on the bail bond submitted by the petitioner Sh. Subodh Kumar. Based on the test note (Supervision note) of Police Inspector, Lalganj ,the investigation officer, A.S.I , Taleshwar Tudu filed a Charge-Sheet against Subodh Kumar on 31.03.2008 instead of the driver.

3. Notices were issued on 16.03.2016 to the investigating Officer and the Police Inspector, Lalganj, through SP, Vaishali, to appear before the Commission on 26.04.2015 and submit explanation as to why compensation being awarded to the petitioner be not recovered from them. They were also warned that if they do not appear it would be presumed that they do not have anything to say. None of them appeared.

The petitioner, Sh. Subodh Kumar, appeared on 26.04.2016 and presented a copy of the summons issued to him by the Court and narrated that **he has been under constant mental agony since last two years when the summons/warrants were issued by the Court.**

4. SP, Vaishali has not yet intimated whether necessary corrections have been submitted in the Court as yet. This was directed in Commission's last order dated 16.03.2016

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

(a) A compensation of Rs. 50,000/-(fifty thousand) be paid to the petitioner, Sh. Subodh Kumar, by the Home Deptt. within two months for the mental agony and Human Rights Violations he has suffered so far.

(b) Departmental proceeding be initiated against the then Police Inspector, Lalganj and investigating Officer A.S. I, Taleswar Tuddu for the gross negligence.

(c) Subject to the out-come of the departmental proceeding , compensation amount be recovered from the investigation Officer and the then Police Inspector, Lalganj by SP, Vaishali @ Rs.25,000/- each.

6. Commission will be expecting compliance report from by **30th June,2016.**

7. Copy of the order be sent to the (i) **Principal Secretary, Home Deptt. Govt. of Bihar** (ii) **DGP, Bihar** and (iii) **SP, Vaishali** for necessary **action** and the (iv) **Petitioner** for information.

8. The case be listed next on **05th July,2016.**

Sd/....

Date: 27.04.2016

(Neelmani)

Member

Asstt. Registrar