

BIHAR HUMAN RIGHTS COMMISSION (BHRC)

9, Bailey Road, Patna

File No. BHRC/Comp. 972/16

Case of Bulbul Devi @ Sadhna Devi: (Compensation awarded for Illegal detention).

14.03.2018

Applicant Smt. Bulbul Devi @ Sadhna Devi with husband Sri Shailendra Kr. Lal present.

Police officials of Pirbahore Police Station are at fault even after taking into consideration the admitted fact. Admitted fact of the complainant is that complaint Case No.28974 of 2014 was pending in the court of Shefali Narayan, Judicial Magistrate, First Class. Non-bailable warrant was issued which was not executed till the date of incident. In the meantime, petitioner's husband surrendered in court and allowed bail on 6.10.2015. Date of the incident is 7.01.2016 when petitioner's husband was brought to police station and allowed to go only on 8.01.2016. Warrant issued against petitioner's husband was recalled.

Disputed fact of the complaint is that police misbehaved even assaulted petitioner's husband and other family members. Bail allowed to the petitioner's husband was not shown to the police nor recall order was produced before it. That is countered by showing bail order.

In case this disputed fact is not touched then also police is liable for illegal custody of petitioner's husband. Case in which non-bailable warrant was issued was based on complaint filed by petitioner husband's brother.

Petitioner's husband was not absconding from his house which could be creating trouble for police to search him nor nature of the offence for which non-bailable warrant was issued was heinous. Hence police officials including SHO if were not informed about the bail then also Police should verify the same. The time of night when petitioner's husband was taken to police station shall also not justify the police act. So petitioner's husband's detention amounts to illegal detention for which petitioner is entitled for an amount of Rs.60,000 as compensation half of which may be realized from the then SHO. It is for the police department to decide.

Copy of this order be sent to (i) petitioner, (ii) Principal Secretary, Home (iii) DGP, Bihar and (iv) SSP, Patna for information and necessary action.

Compliance report be submitted by 27.04.2018

List on 04.05.2018

(Justice Mandhata Singh)
Acting Chairperson