

**Case No. 925/4/26/2020/OC**  
**NATIONAL HUMAN RIGHTS COMMISSION**  
MANAV ADHIKAR BHAWAN  
BLOCK-'C', G.P.O. COMPLEX, INA, NEW DELHI - 110023  
Fax No.: 011-2465 1332 Home Page : <http://nhrc.nic.in>  
( L A W D I V I S I O N )

**Case No. 925/4/26/2020**

Dated 27/07/2022

To

THE DISTRICT MAGISTRATE  
GANDHI MAIDAN, COLLECTORATE, NEAR BUS  
STAND, PATNA., BIHAR  
800004

Sub : Complaint / Intimation from

DHANA KUMAR  
C-3/441, THIRD FLOOR, JANAKPURI, NEW DELHI  
NORTH WEST DELHI, DELHI.  
110058

Sir/Madam,

With reference to your letter no. dated , I am directed to say that the matter was considered by the Commission on 19/07/2022 and the Commission has directed as follows.

*Commission received a complaint from Sh. Dhana Kumar, a resident of North West Delhi, Delhi, alleging that the police personnel fired upon the victim, a truck driver, when he refused to pay Rs.5000/- as bribe.*

*The Commission took cognizance of the complaint on 12-05-2020 directed the Senior Superintendent of Police, Patna, Bihar to submit report within four weeks.*

*The Commission vide its proceeding dated:30-09-2020, sent reminder to the Senior Superintendent of Police, Patna, Bihar to submit report within four weeks.*

*The Commission received a report dated:16-10-2020 from the Assistant Superintendent of Police, Danapur, Patna, Bihar, whereby, it was submitted that, the FIR No.234/20, dated:25-03-2020, under section -307/386/325/504/506/34 of IPC and section-27 of Arms Act was registered at Danapur- police station, Patna East, Bihar against the (1) Constable No.5861 Anurudh Kumar (2) Constable No.5442 Rajnish Kumar Singh (3) Constable No.6126 Bablu Kumar and the offence against accused has been found to be true and the accused person were arrested and sent to the judicial custody and the case is under investigation.*

*The Commission has perused report dated:16-10-2020 received from the Assistant Superintendent of Police, Danapur, Patna, Bihar, whereby it was submitted that the offence against accused police personal found to be true and they were arrested and sent to the judicial custody and the case is under investigation.*

*Vide its proceedings dated 2.8.2021 the Commission observed and directed thus:-*

*“The omission and commission on the part of police has resulted in the bullet injury of a young person of 22 years of age and therefore the state is liable for the violation of human rights of the victim and for the act of the servant of the State Government under vicarious liability principle. Therefore the Commission directs the Registry to issue a Notice under section- 18 of Protection of Human Rights Act, 1993 to the Government of Bihar, through it's Chief Secretary, calling upon to show cause as to why an appropriate monetary compensation should not be recommended to be paid for the violation of human rights of victim and thereafter same to be paid to the victim. The Chief Secretary, Govt. of Bihar is directed to reply to the show cause notice within four weeks positively”.*

*Vide its proceedings dated 23.12.2021 the Commission considered the matter, observed and directed thus:-*

*“In pursuance of the same, no reply to the show cause notice was received from the State of Bihar. It is to be presumed that the State has nothing to urge in the matter. Hence, u/s 18(a)(i) of PHR Act-1993, Commission recommends monetary relief of Rupees 7,00,000/- (Seven lakhs only) to be paid to the victim for violation of his human rights by the public servant. Chief Secretary, Government of Bihar is directed to submit the compliance report along with proof of payment within four weeks positively”.*

*Vide its proceedings dated 20.5.2022 the Commission has considered the matter, observed and directed thus:-*

*“In pursuance of the same, Commission has not received compliance report along with proof of payment. In present case young person of 22 years of age has lost his life and there is no response from Government of Bihar despite sufficient time and opportunity being given. Commission takes serious note of willful disobedience of its recommendations. In the circumstance, acting u/s 13 of PHR Act Commission directs its Registry to issue conditional summons for personal appearance of Chief Secretary, Government of Bihar before the Commission on 27.6.2022 along with compliance report. In case, the requisite report is received on or before 20.6.2022, his personal appearance shall stand dispensed with. Put up thereafter”.*

*In pursuance of the same, Commission has received communication from Special Secretary Govt. of Bihar stating that an amount of Rs. Seven Lakhs is sanctioned as per direction of the Commission. However, proof of payment has not been received. In the circumstance, Registry is directed to issue reminder to the District Magistrate, Patna for submission of proof of payment in the matter within four weeks positively.*

*Copy of the sanction order received by the Commission from Special Secretary, Govt. of Bihar, be forwarded to the District Magistrate, Patna for his reference and necessary action.*

2. It is therefore, requested that the additional/complete report as directed by the Commission in the matter be sent latest by 06/09/2022, for further consideration by the Commission.

Yours faithfully,

DEPUTY REGISTRAR (LAW)