

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.59 of 2019

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Brahmdeo Prasad Alok Alias B. P. Alok Son of Mauje Lal Prasad, Police Inspector, at present posted at Police Line, Town Police Station, District-Gopalgang Bihar, Resident of Ward No. 38, Lane No. 2, Shri Krishna Puram, Beside Arya Samaj Mandir, R.P.S. More, Bailey Road, Danapur, Patna-801503.

... .. Petitioner/s

Versus

1. The Bihar Human Rights Commission and Ors
2. The Secretary, Bihar Human Rights Commission, 9 Bailey Road, Patna.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Chief Secretary, Government of Bihar, Patna.
5. The Special Secretary Home Department, Govt. of Bihar, Patna.
6. The Director General of Police, Bihar, Patna.
7. The Inspector General of Police, Muzaffarpur Zone, Bihar, Patna.
8. The Deputy Inspector General of Police, Saran range, Chapra Bihar.
9. The Superintendent of Police, Gopalganj Bihar.
10. The Deputy Superintendent of Police, Hathua, Gopalganj Bihar.
11. Ramdei Devi, Wife of Late Kedar Ram, Resident of Village- Sudama Chak, P.O. Vijaipur, P.S.- Vijaipur, District- Gopalganj Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Jitendra Kumar Singh
For the Respondent/s : Mr.Suman Kumar Jha, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 25-07-2019

Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner has been subjected to recovery of an amount pursuant to direction of Human Rights Commission which has held the State Government liable to pay compensation of Rs. 2,



50,000/- to the wife of the deceased Kedar Ram (respondent no.11).

The background of the case is that said Kedar Ram died in course of accident. The wife approached the Human Rights Commission. Before the Commission finding was recorded that said Kedar Ram died on account of accident with police jeep. The Commission therefore, by order dated 09.05.2018 held that respondent no.11 being wife of the deceased is entitled for compensation on account of death of her husband of Rs. 2,50,000/- from the police department.

The department thereafter, made endeavor to identify the official responsible for the accident. The stand of the State in the counter affidavit is that DIG on 22.06.2018 had called for a report regarding the accident. The report pursuant thereto was submitted by the Sub divisional Police Officer, Hathuwa and he has indicated the name of the petitioner as one of the persons responsible for the accident. Accordingly, DIG under order dated 26.06.2018 directed that the amount of Rs. 2,50,000/- should be recovered from the petitioner.

In view of the averments made in the counter affidavit, it is clear that prior to issuance of direction dated 26.06.2018 for recovery of Rs. 2, 50,000/- from petitioner, neither report of Sub



Divisional Police Officer, Hathuwa was made available to the petitioner nor petitioner was afforded any opportunity and therefore, amount of recovery from the petitioner is unsustainable in the eye of law.

In the circumstances, respondent-authorities are restrained from making any recovery from the petitioner on account of Memo no. 4114/ Conf. dated 26.06.2018 issued from the office of DIG, Administration, Bihar, Patna.

Authorities, however, will be at liberty to proceed in accordance with law.

Writ petition stands allowed.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2.8.2019
Transmission Date	NA

