

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.157 of 2015

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Md. Murtuza Son of Motibul Resident of Village - Ezarhatta, Police Station
- Manigachchi, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Darbhanga.
4. The Station House Officer (S.H.O.) Manigachchi, Darbhanga.
5. The Investigation Officer, Manigachchi Police Station, Darbhanga.
6. Md. Jilani S/o Md. Haidar Resident of Village - Ezarhatta, Police Station - Manigachchi, District - Darbhanga.
7. Sairo Bano D/o Md. Haidar Resident of Village - Ezarhatta, Police Station - Manigachchi, District - Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha

For the Respondent/s : Ms. Babita Kumari, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 10-04-2015

As prayed for, learned counsel for the petitioner

is permitted to delete the respondent no. 7 from the array of parties in the course of the day.

Heard learned counsel for the petitioner and learned counsel for the State.

The present writ application, seeking a writ of habeas corpus, has been filed with a prayer that the girl Saira Bano should be permitted to go to her in-laws' place and live with the petitioner as husband and wife after release from the

custody of respondent no.6.

It is the stand of the petitioner that the date of birth of Saira Bano is 5.1.1995 and therefore she had attained majority on the date of Nikah on 20.1.2014 with respect to which the marriage certificate and a joint declaration-cum-agreement prepared on the same date have been filed.

The brother of the victim girl had filed an FIR against the petitioner and others and upon recovery of the victim girl by the police, statement under Section 164 Cr.P.C. was recorded in which she stated that she wanted to go with her father and mother. The medical report of the Medical Board also opined that the age of the girl was 16-17 years. No document has been brought on the record to the contrary by the petitioner.

In the aforesaid circumstances, no such direction can be given against the respondents in whose custody the girl is living.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

S.Pandey/-

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