

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.382 of 2015

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Santosh Kumar Pandey S/o Ram Awadhesh Pandey R/o Village - More
Khurd, P.S. - Sasaram, District - Rohtas, at present residing in Mohalla -
Jawahir Tola Ara, P.S. Ara Nawada, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar.
2. District Magistrate, Bhojpur.
3. Superintendent of Police, Bhojpur.
4. Officer-in-charge, Charpokhari, P.S. - Bhojpur.
5. Ram Ayodhya Tiwary S/o Late Shambhu Tiwary R/o Village - Majhiao,
P.S. - Charpokhari, District - Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Sharma
Mr. Shiva Shankar Sharma, Advocates
For the State : Mr. Ashok Kumar Chaudhary AAG-13
Mr. Anil Kumar Tiwary, AC to AAG-13

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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)

3 11-05-2015 Heard learned counsel for the petitioner and

learned counsel for the State.

As directed, the Superintendent of Police, Bhojpur
has produced the girl Amrita Kumari Tiwary before us. We have
questioned her and she emphatically stated that she was never
married to the petitioner rather, as admitted in the writ petition
itself, the petitioner was married with her eldest sister. It is
alleged by her that on account of torture, beating and assault



inflicted by the petitioner upon her eldest sister, she ultimately committed suicide and the son born from the said marriage is now living with her father where she is also living. It is stated that the entire allegation with regard to marriage and documents are false and concocted and she was neither married at any point of time with the petitioner nor she has any intention to go and live with him rather the petitioner has brought the case so as to defame her and her family members and create impediments in her marriage.

In view of the aforesaid clear statements made by the girl, Amrita Kumari Tiwary who has completed her graduation and is major, there can be no question of grant of any relief to the petitioner in the nature of habeas corpus.

Learned counsel for the petitioner also submits that in view of the statements made by the girl, Amrita Kumari Tiwary in his presence and in the presence of other counsels in our Chamber, he cannot claim any relief in the matter.

The writ application is, accordingly, dismissed.

In view of the statements of the girl, the petitioner is warned not to harass the girl as also her family members.

Since the father of the girl has also accompanied

her, she says that she does not need any police protection in going back to her village home.

The police are therefore discharged of their responsibility in the matter.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

S.Pandey/-

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