

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1185 of 2014

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Md. Ashraf Ali Son of Late Aziz R/o Village East Mehsol Ward No. 5,
P.O. and P.s. Sitamarhi, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The D.G.P. Bihar , Patna
3. The I.G. Muzaffarpur, Range, Muzaffarpur
4. The DIG, Tirhut Division, Muzaffarpur
5. The S.P. Sitamarhi
6. The ASP Sitamarhi
7. The Dy. S.P. Sitamarhi, Sadar
8. The O/C Sitamarhi Nagar Thana Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha
For the Respondent/s : Mr. Harsh Singh,G.P. 2

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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)

5 12-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

Pursuant to the direction of this Court, a supplementary
counter affidavit has been filed today, in which it is stated that the
alleged victim girl, Rizwana Khatoon, had voluntarily appeared
before the local police of Sitamarhi and thereupon she was
produced before Sri Pankaj Kumar Lal, Judicial Magistrate, 2nd
Class, Sitamarhi on 26.2.2015 itself and her statement under
Section 164 of the Code of Criminal Procedure was recorded.



Before the learned Judicial Magistrate, she disclosed her age as 19 years and stated that she had not been abducted and no one was responsible in the matter, rather on her own wish she had left her house on 5.4.2014 and thereafter she, from Sitamarhi Station, went to Morwi in the State of Gujarat along with one Rahmat Ali. Thereafter on 13.4.2014 she had made a Nikah with the said Rahmat Ali in accordance with Muslim Customs. She further stated that her father had filed a false case of abduction. She also asserted that she wanted to go to her Sasural and live with her husband. Rizwana Khatoon was medically examined by a Medical Board consisting of the Deputy Superintendent of Sadar Hospital, Sitamarhi as the Chairman and two Medical Officers of the said Hospital, in which her age was opined to be between 16 to 18 years.

Reference is also made in the supplementary counter affidavit to the fact that the father of the girl had filed an affidavit along with a certificate relating to her age showing the date of birth of the said Rizwana Khatoon as 11.2.1997, and the learned Court has found the victim girl to be major and ordered that she was free to go to any place. Thereafter by the order of the learned Judicial Magistrate, the said Rizwana Khatoon was handed over to the maternal grand father of the accused Rahmat Ali on execution

of P.R. Bond.

In view of the fact that the petitioner himself admits that Rizwana Khatoon was born on 11.2.1997 and thus she had attained majority when she gave her statement on 26.2.2015 before the learned Judicial Magistrate, 2nd Class, Sitamarhi, this Court does not find any reason to proceed further in the matter.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Anjana Mishra, J)

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