

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24853 of 2015

Arising Out of PS.Case No. -463 Year- 2013 Thana -PURNEA SADAR District- PURNIA

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Dhannu Paswan son of Late Ravi Paswan, resident of village Madhopur (Dighbara),
P.S. Tajpur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Home, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Purnea
4. The Sub-Division Police Officer, Purnea District
5. The S.H.O. Purnea, District Purnea.
6. The Director, Children Home Nishant, Patna, District Patna.
7. Priti Kumar @ Zarina d/o Dhannu Paswan, resident of village Madhopur
(Dighbara), P.S. Tajpur, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Pathak

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-12-2015

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

2. By way of the present application under Section
482 of the Code of Criminal Procedure, 1973, the petitioner seeks
quashing of the order dated 16.06.2014 passed by the learned 1st
Additional Sessions Judge, Purnea in Special Case No. 04 of 2013,
arising out of Sadar P.S. Case No. 463 of 2013, whereby and

whereunder the application dated 16.05.2014 filed by the petitioner to release his daughter has been rejected.

3. On 31.10.2013, the police team conducted raid at several places in the township of Purnea and rescued 20 adult and 7 minor girls, including the daughter of the petitioner. Accordingly, Sadar P.S. Case No. 463 of 2013 dated 31.10.2013 was registered under Sections 341, 342, 372, 373, 376, 366 A and 120 B of the Indian Penal Code, Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956, Section 23 of the Juvenile Justice (Care and Protection) Act and Section 4 of the Protection of Children from Sexual Offences Act, 2012 against altogether 39 accused persons. The daughter of the informant was initially kept in rehabilitation centre at Purnea and subsequently she was shifted to Punarwah short period stay home, Purnea.

4. Learned counsel for the petitioner has contended that the petitioner filed an application for release of his daughter in his favour before the learned Additional District & Sessions Judge, I, Purnea but the said application has erroneously been rejected by the Court below. On query, he has conceded that the daughter of the petitioner is major.

5. On the other hand, learned counsel for the State has contended that the petitioner has not approached this Court with

clean hands. The victim was pushed into flesh trade under the knowledge of the petitioner. He has further contended that when the victim was rescued by the police and the police started inquiring into the matter, in order to create a defence a complaint was filed by the petitioner in the Court of Chief Judicial Magistrate, Samastipur on 13.11.2013 alleging therein that her daughter has been enticed away by the accused persons, namely, Dipak Kumar Ram, Dilip Kumar Ram, Pappu Sah @ Kanhaya and Pritesh Kumar Sah.

6. Be that as it may, the present application is not for issuance of a writ of habeas corpus. Hence, in my opinion, the application seeking quashing of the order passed by the Court below whereby the application for release of the daughter of the petitioner in his favour has been rejected, is devoid of any merit. Admittedly, the victim is a major girl. In case, she has any grievance against her lodgement in the rehabilitation centre, she may file an appropriate application in this regard. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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