

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1206 of 2016

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Chanda Khatoon W/o Sri Dhiraj Kumar Singh @ Khodia Singh,
D/o Aziz Meha, R/o Village- Patparia, P.S. Muffasil, District-
East Champaran (Motihari), At present Village- Ramvan, P.S.-
Pakri Dayal District- East Champaran, Motihari.

.... Petitioner

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. Superintendent of Police, East Champaran, Motihari.
4. Dy. Superintendent of Police, East Champaran, Motihari.
5. Officer-in-Charge of Muffasil, East Champaran, Motihari.
6. Sri Dhiraj Kumar Singh @ Khodai Singh, S/o Ramji Singh,
R/o Village- Ramvan, P.S. Pakri Dayal District- East
Champaran, Motihari.
7. Aziz Mian, S/o Late Sahebjaan Mian, R/o Village Pathparia,
P.S. Motihari Muffasil, District East Champaran, Motihari.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8
Mr. Sanjay Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

2. 28-11-2016

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner claims that she is an adult and
is wrongfully in confinement. The facts are that
petitioner's father lodged an F.I.R. in the year 2014,
alleging that his minor daughter, petitioner in these
proceedings, had been kidnapped by persons and taken

away. Police recovered the girl i.e. the petitioner, and her statement under Section 164 Cr.P.C. was recorded in the year 2014 itself, where she claimed to be about 20 years of age.

It is stated that she had married one Dhiraj Kumar Singh, respondent no. 6, through Court and wanted to go and live with him. Her statement having been recorded but, considering that she was a minor, she was detained at Nari Niketan at Patna, as she was not ready to go with her parents, her natural guardian, and she being a minor, her marriage, that too inter-religion marriage, could not be considered to be valid.

It appears that her husband, Dhiraj Kumar Singh, then, filed a writ of habeas corpus, being Cr.W.J.C. No. 240/2015, which was disposed of on 22.04.2015, by Division Bench of this Court holding that as she has not been able to establish that she is major, she would be treated as minor as alleged by her father and could not be released to the custody of her alleged husband, she could be released to her parents.

Notwithstanding the aforesaid judgment and order of this Court, this writ petition has now been filed



for the same relief this time by the petitioner herself. Even though, she was aware of the order passed by this Court earlier, no effort has been made to show that she is a major.

In that view of the order, we have no option but following the order passed in the earlier writ proceedings, dismiss this writ petition.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajeev/-

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