

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1087 of 2015

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Sukhdeo Prasad Chaudhary, son of Sukar Choudhary, R/o – Sonarpatti, P.S.
– Nawada, P.O.+P.S.+ District – Nawada.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Nawada.
 2. The Director General of Police, Bihar, Patna.
 3. The Inspector General, Patna Range, Patna.
 4. The Deputy Inspector General, Magadh Range, Gaya.
 5. The Superintendent of Police, Nawada
 6. The Sub-Divisional Police Officer, Nawada Sadar.
 7. Officer In-Charge, Nagar Police Station, Nawada
 8. Vijay Kishore, Sub-Inspector of Police, Nawada
 9. Avinash Choudhary, son of Lakhan Choudhary, R/o – Karhari, P.S. – Akbarpur, Post – Chotki Amawa, District – Nawada.
 10. Puja Devi, wife of Avinash Choudhary, R/o – Karhari, P.S. – Akbarpur, Post – Chotki Amawa, District – Nawada
 11. Vinay Kumar @ Chotu Yadav, son of Narayan Yadav
 12. Vinod Kumar, son of Narayan Yadav
 13. Manoj Yadav @ Karu, son of Narayan Yadav
 14. Upendra Yadav @ Angrej, son of Narayan Yadav
 15. Ram Pravesh Yadav, son of Narayan Yadav
- Respondent no. 11 to 15 are resident of Mahkar, P.S. – Roh, District – Nawada.
16. Pappu Yadav, son of Balak Yadav
 17. Karu Yadav, son of Moti Yadav
 18. Sri Yadav, son of Late Shambhu Yadav
- Respondent no. 16 to 18 are resident of Gondapur, P.S. + District – Nawada.

.... Respondents

With
Criminal Writ Jurisdiction Case No.322 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- NAWADA

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Sukhdeo Prasad Chaudhary, son of Sukar Choudhary, R/o – Sonarpatti, P.S.
– Nawada, P.O.+P.S.+ District – Nawada.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Nawada.
2. The Officer In-Charge, Nagar P.S. Nawada
3. Avinash Choudhary, son of Lakhan Choudhary, R/o – Karhari, P.S. – Akbarpur, Post – Chotki Amawa, District – Nawada.
4. Puja Devi, wife of Avinash Choudhary, R/o – Karhari, P.S. – Akbarpur, Post – Chotki Amawa, District – Nawada
5. Vinod Kumar, son of Narayan Yadav, resident of Mahkar, P.S. – Roh, District – Nawada.

.... Respondents

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Appearance :

(In Cr. WJC No.1087 of 2015)

For the Petitioner/s : Mr. Indradeo Prasad, Advocate

For the Respondent/s : Mr. Rajesh Kumar, A.C. to G.P. 10

(In Cr. WJC No.322 of 2016)

For the Petitioner/s : Mr. Indradeo Prasad, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, G.A.9

Mr. Amaresh Kumar Sinmha, A.C. to G.A.9

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

13. 20-05-2016

Heard learned counsel for the petitioner and

learned counsel for the State.

From the pleadings, it is clear that petitioner, who claims to be the father of a girl, who was a minor and had been kidnapped, it is clear from the order-sheets of the Trial Court that the girl in question was made her statement under Section 164 of the Cr.P.C. claiming to be a major. She was, accordingly, allowed to go with her father-in-law. Upon production, it has been stated by the father she was still under tender age. When the police submitted final report, not sending up any person for trial, as the girl had made a clear statement that being a major she had left her parents house. Still no case is made out. The Magistrate orders further investigation for what purpose? He did not indicate this on the petition of the petitioner. The Magistrate is directing the girl to be

produced. She is neither being produced nor she is turning up. However, one thing is clear that today the girl is over 22 years of age as per her certificate filed by the father. If the father still thinks that she is being kept in confinement, in our view, it would be under Section 97 or 98 of the Code of Criminal Procedure. In this writ proceeding, we cannot compel for production of a girl. She is a major, and the father ceases to be natural guardian.

We, thus, find no merit in this writ application. It is, accordingly, dismissed.

As we have already dismissed the aforesaid writ application, Cr.W.J.C. No. 322/2016 has become infructuous.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/-

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