

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.417 of 2017

Arising Out of PS. Case No. - 115 Year- 2016 Thana - Bairgania District- SITAMARHI

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Faisal Mansoori @ Md. Faizal Mansuri, Son of Kamruddin @ Md. Kamruddin,
Resident of Village- Kawari Tola, Ward No. 14, P.S.- Bairgania, District Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Sitamarhi.
4. The Sub-Divisional Police Officer, Sadar Sitamarhi, District- Sitamarhi.
5. The Station Head Officer, Bairgania, Police Station- District- Sitamarhi.
6. The Superintendent, Alpawas Girh, Sitamarhi, District- Sitamarhi.
7. Nand Kishor Prasad, Son of Late Achchela Prasad, Resident of village Shivaipatti Ward No. 13, P.S. Bairgania, District Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Pushpendra Kr. Singh, Advocate

For the Respondents : Mr. Md. N.H. Khan, SC 1

For Respondent No.7 : Mr. Ranjeet Kumar Mishra, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 09-05-2017

Heard learned counsel for the petitioner, learned Standing
Counsel No. 1 for the State and also learned counsel for the informant.

By this writ petition, the petitioner seeks release of Suman
Kumari, victim girl, in his favour from the alleged illegal detention of
Alpawas Grih, Sitamarhi in connection with Bairgania P.S. Case No. 115 of
2016.

However, it is apparent from the order sheet which has been
appended with supplementary affidavit and, in particular, the order dated
16.08.2016 that the victim girl has been kept in *Alpawas Grih*, Sitamarhi



under the orders of the court of the competent jurisdiction.

Thus, in our view, no writ of habeas corpus can be issued in the matter.

However, it is contended on behalf of the petitioner that in the order dated 16.08.2016 itself, a direction was issued to the Investigating Officer to get the victim girl examined by the Medical Board. It is also informed that the Medical Board has examined the victim girl and in its report which has been annexed as Annexure-3, it has opined that her age is about 16-17 years. It is also informed that the victim girl has already filed an application before the court concerned for the said purpose.

In our view, even that does not clinch the issue of release. The petitioner would have approached the court concerned itself for the said purpose.

In such a situation, this writ petition is being disposed of with a direction to the court concerned to take a decision on its own merit and in accordance with law, if such a petition has been filed by the victim girl, expeditiously and preferably within a period of three weeks.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

B.T/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.05.2017
Transmission Date	11.05.2017

