

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 787 of 2017

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Chandan Kumar Yadav, S/o Pramod Yadav @ Pramod Raut,
Resident of Village-Faga-Kusmaha, P.S.-Baunsi, District-Banka.
.... Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Home Secretary, Govt. of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Superintendent of Police, Banka, District-Banka.
5. The Police Inspector/Officer-in-Charge, Banka Police Station, District-Banka.
6. Lakho Kumari, D/o Sri Manoj Yadav, Wife of Chandan Kumar Yadav, Resident of Village-Faga-Kusmaha, P.S.-Baunsi, District-Banka, At present through in Charge of Remand Home Gai Ghat Patna City, District-Patna.
.... Respondents.

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Appearance :

For the Petitioner : Mr. Dhirendra Kumar, Adv.

For the Respondents: Mr. Manish Kumar (GP 4)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

02. 19.05.2017

Heard learned counsel for the petitioner and the State.

In view of the fact that vide order dated 20.10.2016, the Chief Judicial Magistrate, Banka, after considering the petition filed by abducted girl and the certificate of the school showing date of birth to be of 15.06.2002 holding him minor in view of the fact that she refused to go with her parents she was



directed to be kept in After Care Home, Gaighat, Patna. However, petitioner is accused of the case for abduction of the girl, after his release on bail, he filed a petition for release of the girl in her favour stating that she is aged about eighteen years. His petition was considered and rejected vide order dated 17.04.2017, as contained in Annexure-P/8 after holding that the investigation of the case is still continuing and the girl has been found minor, the Court refused to release her in favour of accused persons, thereafter, this writ application seeking writ of habeas corpus has been filed.

However, after some argument, learned counsel for the petitioner, now wants to move before a competent forum for assailing the order dated 17.04.2017 or the earlier orders which have been passed by the Court below.

Accordingly, this writ petition stands disposed of granting such liberty to the petitioner.

(Dr. Ravi Ranjan, J.)

(Vikash Jain, J.)

Vikash/-

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