

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2175 of 2017

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

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Shiv Shankar Prasad, Son of Nathuni Prasad, Resident of Village- Bhangaha, P.S.- Bhangaha, District- West Champaran, Presently residing at Chintamani Bhawan, Professor Colony, Mussalampur Hatt, P.S.- Sultanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Distt- Patna.
4. The Superintendent of Police, Patna City, Distt- Patna.
5. The S.H.O., P.S.- Sultanganj, Distt- Patna.
6. Rama Shankar Singh, S/o Madan Mohan Singh, R/o Village- Boria, P.S.- Motipur, Distt- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. J.K. Giri, Advocate

For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 22-11-2017

Heard parties.

This application in the nature of habeas corpus has been filed by the brother of respondent No. 7 Dipika Raj claiming



that his 16 years minor sister is being kept in illegal detention by the respondent No. 6, namely, Rama Shankar Singh. However, surprisingly in the First Information Report the petitioner has disclosed the age of his sister as 18 years. Obviously, it appears that the girl is major and it appears from Annexure-A to the counter affidavit filed on behalf of respondent Nos. 3 to 5 that the girl along with alleged husband had approached the High Court of Punjab and Haryana by filing a writ petition seeking protection of their life and liberty on the premise that petitioner No. 1 has performed marriage with respondent No. 7 against the wishes of her parents and other family members and, thus, they are apprehending threat to their life and liberty at their instance. However without examining the question of validity or otherwise of marriage of the petitioner, the said petition was disposed of with a direction to the Senior Superintendent of Police to look into the grievance of the petitioners expressed in the representation dated 24.10.2017 filed for their protection. It is made clear that in case any FIR is registered against petitioner No. 2 it will be open for the police authorities to take action in accordance with law.

Accordingly, in our view, this writ petition cannot proceed and is being disposed of with a direction that since the FIR has been registered against unknown person, the police will



proceed with respect to First Information Report in accordance with law.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

