

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53137 of 2013

Arising Out of PS.Case No. -13 Year- 2013 Thana -KUSHESHWARSTHAN District-
DARBHANGA

=====

1. Shiv Shankar Mukhiya Son of Late Chhabbu Mukhiya Resident of Village - Korotwa, P.S. Kusheshwar Asthan, District - Darbhanga
2. Saini Mukhia Son of Sri Pratap Narayan Mukhia Resident of Village - Korotwa, P.S. Kusheshwar Asthan, District - Darbhanga

.... Petitioners

Versus

1. The State of Bihar, through the Secretary Home Department, Patna
2. The Superintendent Care Home/Remand Home, Patna
3. The Superintendent of Police, Darbhanga
4. Ram Balak Singh, A S I, cum Investigation Officer, Kusheshwar Asthan, Police Station, District - Darbhanga

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : None
For the State : Mr. Maruth Nath Roy, AC to S.C.4

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-01-2017 No body appears on behalf of the petitioners.

It appears from perusal of the records that the petitioners have filed this application for quashing the order dated 21.10.2013 whereby and whereunder a direction for release of the minor girls, namely, Vidya Bharati, daughter of Saini Mukhiya and Neero Kumari, daughter of Shiv Shankar Mukhiya, from the remand home/after care home, Gai Ghat, Patna with immediate effect was sought with other relief.

It further appears that the petitioners have filed an application to such effect before the learned SDJM, Benipur, which was rejected by the court below vide order dated 14.2.2013, against which the petitioners have preferred Cr. Revision No.



370/13 before the Adhoc Additional Sessions Judge-3, Darbhanga, which was also dismissed vide order dated 31.7.2013, against which the petitioners have preferred this application under Section 482 Cr.P.C.

From perusal of the record it appears that the petitioners had filed the petition on the ground that the aforesaid victim girls were minor and, as such, their custody should be given to the petitioners but the learned court below as well as the revisional court without appreciating the aforesaid fact dismissed the petition filed by the petitioners. Hence, it is prayed that the aforesaid order should be quashed.

Heard learned counsel for the State.

Learned counsel for the State has pointed out that now the trial has already been concluded and, as such, the present application has become infructuous.

Since no body has appeared on behalf of the petitioners to argue and the impugned order has already been upheld by the revisional court, I find no merit in this application.

The application is dismissed.

(Vinod Kumar Sinha, J)

spal/-

U			
---	--	--	--

