

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1406 of 2017

Arising Out of PS. Case No.-9 Year-2017 Thana- BHAGWANGANJ District- Patna

Lali Devi, wife of Late Vinay Paswan, Resident of Village - Shivchak, P.O.
- Daulatpur, P.S. - Bhagwanganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Bihar, Home Department, Bihar Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police (Rural), Patna.
5. The Deputy Superintendent of Police, Masudhi.
6. The SHO of Bhagwanganj Police Station, Masudhi.
7. The Investigating Officer (Bhagwanganj) PS Case No. 09/17, Bhagwanganj Police Station, Masudhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s. Kishore Kunal, Sudha Ambastha, Advocates
For the State	:	Mr. Anil Kumar, A.C. to S.C.8

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 30-08-2017

Heard learned counsel for the petitioner and the State.

Through this writ application, the petitioner seeks issuance of writ of habeas corpus directing the respondent authorities to search, trace and produce her minor daughter, Sobha Kumari, who according to the petitioner, is merely 14 years old.

However, a counter affidavit has been filed on behalf of the State stating that Sobha Kumari, the alleged victim



had turned up voluntarily before the police authorities on 28.08.2017 and explained that she is major, and having pregnancy of 9 months and at her own volition and will, she had married with Pawan Choudhary. Her statement has been recorded by the Judicial Magistrate under Section 164 Cr.P.C. wherein she has narrated her age to be 21 years and she is having a pregnancy of 9 months and her desire is to live with her in-laws as she has already married Pawan Choudhary. Victim girl was produced before the Sub-Judge also and he has allowed her to go with her in-laws.

In above view of the matter, this Court is unable to issue any writ of habeas corpus in the matter.

Accordingly, this writ application is dismissed.

However, the petitioner would be at liberty to avail remedies which would be available to her in law before a competent forum.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2017
Transmission Date	NA

