

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2853 of 2017

Arising Out of PS. Case No.-250 Year-2017 Thana- SOHSARAI District- Nalanda

Napisa Khatoon @ Nafisa Khatoon, W/o Md.
Ismail @ Israfil, Resident of Mohalla- Khasganj,
P.S.- Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary,
Department of Home, Government of Bihar,
Patna.
2. The Principal Secretary, Department of Home,
Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Police, Nalanda.
5. The Officer in Charge, Sohsarai Police Station,
District- Nalanda.
6. The Superintendent, Remand Home, Gayghat,
Patna.
7. Sujata Kumari @ Ziya Firdosi, W/o Md. Faiyaz,
Resident of Mohalla- Khasganj, P.S.-Sohsarai,
District- Nalanda, presently residing at Remand
Home, Gayghat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Yogesh Kumar, Advocate
For the State : Mr. Prabhu Narayan Sharma, A.C. to A.G.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 03-01-2018

This application is being heard for its final disposal at
this stage, with consent of the parties.

Heard learned counsel for the petitioner and the learned
counsel for the State.



This application has been filed by one Napisa Khatoon @ Nafisa Khatoon, who claims that the victim girl-Sujata Kumari @ Ziya Firdosi is her daughter-in-law and is seeking release of the girl in her favour.

However, already a judicial decision has been taken by the 1st Additional Sessions Judge, Nalanda at Biharsharif in Sohsarai P.S. Case No.250/17, holding the victim girl to be minor. That apart, the certificate issued by the Bihar School Examination Board in favour of Sujata Kumari i.e., the victim girl, who has been impleaded as respondent No.7 in the present writ application, shows her date of birth as 15.09.2001 i.e., she is still yet to attain the age of majority and is a minor girl and as such, even though she claimed to be major, since a decision has already been taken in this regard by the court of competent jurisdiction, holding her to be a minor and also that since the victim has expressed her desire to go with the accused persons and denied to go with her parents, she has been ordered to be kept in After Care Home, in our view, this is not a fit case for issuance of writ of *habeas corpus*.

The writ application is, accordingly, dismissed.



However, after attaining the majority, the girl would be at liberty to seek her release by filing a petition before the court below itself.

(Dr. Ravi Ranjan, J)

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

