

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.848 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- PATORI District- Samastipur

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Krishna Chandra Kumar S/o Late Babulal Mishra Resident of Village-
Bahadurpur Patori, P.S.- Patori, District-Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Superintendent of Police, Samastipur, Distt.- Samastipur.
2. The Superintendent of Police, Samastipur, Distt. Samastipur.
3. The Deputy Superintendent of Police, Shahpur Patori Sub- Division, District- Samastipur.
4. The Officer-in-Charge, Patori Police Station, District- Samastipur.
5. Raj Kamal @ Raja S/o Dr. Shashi Bhushan Yadav Resident of Shahpur Undi, P.S.- Patori, District- Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh, Advocate
For the Respondent/s : Ms. Prachi Pallavi, 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 : 23-04-2018

Heard parties.

This writ application has been filed for a direction to the respondent nos. 2, 3 and 4 to recover the minor daughter of the petitioner from the illegal custody of respondent no.5 and hand over to the petitioner.

The claim of the petitioner is that her daughter was enticed by the respondent no.5 for the purposes of marriage and she has eloped with him.



A counter affidavit has been filed on behalf of respondent nos. 1 to 4 stating in paragraph 8 that the victim girl Simpi Kumari has sent a letter to the Superintendent of Police, Samastipur along with the photographs of marriage with Raj Kamal @ Raja and photo copy of affidavit of marriage through registered post which has also been received. The S.D.P.O., Patori, after thorough investigation, found the case true against five named accused persons and one non-FIR accused and the steps are to be taken for recovery of the victim girl.

It has also been noticed in the counter affidavit that the minor girl, who admittedly is more than 17 years age, i.e., at the verge of attaining majority, had left the house at her own will. However, according to the petitioner, she eloped on enticement of respondent no.5 for the purposes of marriage after withdrawing Rs. 1 lacs from the bank account and also Rs.45,000/- from the house and a petition has also been filed for taking steps under Sections 82-83 of the Code of Criminal Procedure. The Superintendent of Police, Samastipur is himself monitoring the matter, in such a situation, there is no reason for us to continue with this case.

Accordingly, the same stands disposed of.



However, this Court hopes and trusts that the Superintendent of Police, Samastipur will take every step for the recovery of the victim girl and proceed in accordance with the law and, at the same time, if a petition under Sections 82-83 Cr. P.C has already been filed by the police, it is expected that the court concerned will take a decision upon it within a reasonable time.

It is further made clear that if the petitioner is still dissatisfied with the investigation then, as per the law declared by the Apex Court in *Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and Others [(2016) 6 Supreme Court Cases 277]*, he would be at liberty to approach the concerned Magistrate under Section 156 (3) Cr. P.C. by filing an application as the Apex Court has held that, in such a situation, if a Magistrate is prima facie satisfied, he can direct proper investigation to be done. He even can monitor the case if he so desires.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2018
Transmission Date	NA

