

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 2576 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Araria

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Ali Hasan, aged about 26 years, S/o Shri Kamruddin, Present address- Constitutional Law Laboratory, G-17, Abul Fazal Enclave-I, P.S.- Jamia Nagar, New Delhi- 110025. Permanent address Ward No.9, Village- Siswa, Post- Bara Istambrar, P.S.- Joki Haat, District- Araria. (Representing as Next Friend for his minor sister, namely, Miss Bibi Mehnaj, aged about 14 years, D/o Shri Kamruddin, Resident of Ward No.9, Village- Siswa, Post Bara Istambrar, P.S.- Joki Haat, District- Araria) as Next Friend.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, The State of Bihar, Patna
3. The District Magistrate, District- Araria, Bihar.
4. The Superintendent of Police, District- Araria, Bihar.
5. Sri Shyam Nandan Yadav, S.H.O., Jokihaat Police Station, District- Araria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Pratyush Kr, Shams Khwaja, Advocates
For the Respondent/s : Mr Lalit Kishore, AG

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 06-11-2018

It is submitted by Mr. Shams Khwaja, learned Counsel for the petitioner, that his name has inadvertently not been printed in the order dated 29.10.2018.

This position is not disputed by the learned Counsel appearing for the State.



In view of the situation, let the name of Mr. Shams Khwaja, may also be read as Counsel for the petitioner in the order dated 29.10.2018.

The order dated 29.10.2018 is modified accordingly.

Learned counsel for the petitioner Mr Shams Khwaja has made elaborate submissions regarding the first information report (for brevity, *FIR*) lodged on the App of the Bihar Police being registered with delay.

2 The writ petition was filed alleging that the sister of the petitioner, namely, Bibi Mehnaj, the subject corpus is illegally confined upon her kidnapping by the next door neighbours. The FIR of the father of the corpus was finally registered as Jokihat Police Station (for brevity, *PS*) Case No 309 of 2018 dated 09.10.2018 under Sections 363, 366A/34 of Indian Penal Code.

3 The victim girl Bibi Mehnaj (the subject corpus), thereafter, was recovered by the police from Harwa Chowk. She was examined medically and her statement was also recorded under Section 164 of Criminal Procedure Code.

4 In view of the aforesaid developments, no case is made out for exercise of jurisdiction by this Court. The proceedings arising out of Jokihat PS Case No 309 of 2018 may proceed in accordance with law.



5 The writ petition, therefore, is dismissed as
infructuous in view of the developments during pendency of the
same.

(Dr Ravi Ranjan, ACJ)
(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2018
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