

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.467 of 2017

Arising Out of PS. Case No.-32 Year-2017 Thana- MAJORGANJ District- Sitamarhi

Prem Sheela Devi Wife of Rajeev Kumar Jha, Resident of Village- Sarsaula,
P.S.- Majarghanj, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Patna
2. The Superintendent of Police, Sitamarhi,
3. The Station House Officer S.H.O., Majorganj, P.S.District- Sitamarhi.
4. The Director General of Police, Bihar, Patna.
5. Laxami Mahto, S/o Babulal Mahto.
6. Bhulan Mahto, Son of Babulal Mahto,
7. Dasharath Mahto, Son of Babulal Mahto, Both R/o Village- Partharampur,
P.S.- Parsauna.
8. Ramdhari Singh, Son of Shyam Lal Singh, R/o Village- Sonma, P.S.-
Bathnaha, District- Sitamarhi.

... .. Respondent

Appearance :

For the Petitioner : None

For the Respondent-State: Mr.S.S.Prasad SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 31-07-2019

No one appears for the petitioner. I have perused the materials available on the record.

2. This application has been filed by the petitioner for directing the respondent-authorities to recover the



daughter of the informant, who was kidnapped by the accused persons in connection with Majorganj P. S. Case No. 32 of 2017.

3. A counter-affidavit has been filed on behalf of respondent no. 2. Para-9 to 11 of the counter-affidavit reads as under:-

“9. That it is relevant to submit that this official respondent has perused the case record of Sitamarhi Police Station Case No.479 of 2016 and found that the I. O. had recovered the victim girl Amisha Kumari D/o Rajeev Kumar Jha on 23.09.2016 from Mumbai from the illegal custody of Vikash Kumar S/o Bhulan Mahto and arrested Vikash Kumar S/O Bhulan Mahto on 23.09.2016 and remanded him in judicial custody on 28.09.2016 after transit period.

10. That it is relevant to mention here that it appears from case record of Sitamarhi Police Station Case No. 479 of 2016 that investigating officer had produced the victim girl before the CJM, Sitamarhi for the purpose of recording the statement under Section 164



Cr.P.C. and further made a prayer for Medical examination. Subsequently as per order of the CJM, Sitamarhi the investigating officer had handed over the victim girl to her parents.

11. That it is relevant to mention here that during the course of investigation the I. O. had obtained certificate of Bihar School Examination Board, Patna and found that Amisha Kumari's date of birth of is 15/06/1999. Thus it appears from certificate that at the point of time of occurrence the victim was 17 years, therefore the consent of Minor victim does not matter. Hence, after completion of investigation the I. O. of Sitamarhi P. S. Case No. 479/16 dated 24.11.2016 for the offence committed under Section 363/366A/120B IPC against Vikash Kumar. In course of investigation the case was not found true against remaining two named accused persons."

4. The aforesaid assertions made in the counter-affidavit have not been disputed by the petitioner.



5. Since the victim has already been recovered and her statement under Section 164 of the Code of Criminal Procedure has also been recorded, in the opinion of this court, the application has become infructuous.

6. It is disposed of, accordingly.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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