

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3356 of 2018

Arising Out of PS. Case No.-207 Year-2018 Thana- UCHKAGAON District- Gopalganj

Sri Niwash Pandit @ Mangalu Pandit, son of Umesh Pandit, Resident of
Village-Brindavan, P.S-Unchakagao, Distt.-Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary (Home), Police Department, Bihar, Patna
2. The Director General of Police-cum-Inspector General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Saran Division, Chapra
4. The District Magistrate, Gopalganj
5. The Superintendent of Police, Gopalganj
6. The Sub Divisional Police Officer, Sadar, Gopalganj
7. The Officer-in-Charge, Uchakagaon Police Station, District-Gopalganj
8. Sheshnath Singh, son of Late Rakchha Singh, R/O Village-Brindavan, P.S-Unchakagaon, Distt.-Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Harendra Prasad, Advocate
For the State	:	Mr. Md. Nasrul Huda Khan, S.C.-1
For Respondent No.8	:	Mr. Dilip Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 29.01.2019 This is a *habeas corpus* petition and we had passed
the following order on 16th January, 2019:

“Heard learned counsel for the petitioner.

The allegation is that the Opposite Party No. 8 is unlawfully confining the corpus of Jeevika Kumari who is the daughter of the Respondent No. 8 and who according to the petitioner has lawfully married him and in evidence thereof the Registration Certificate issued by the Marriage Registration Officer, Ghaziabad has been placed on record together with the evidence of the age of



majority of the petitioner as well as that of the girl.

It is alleged that an F.I.R. was lodged against the petitioner in which a police report has been submitted with the extract of the statement under Section 164 Cr.P.C. of the girl indicating therein that no offence was made out. However, the said police report is waiting confirmation by the court below and it is in this background that the present habeas corpus petition has been filed contending that the girl Jeevika Kumari is being unlawfully withheld and the Respondent No. 8 is attempting to remarry her against her wishes.

In the above background the 5th Respondent Superintendent of Police, Gopalganj is directed to issue instructions to the 7th Respondent to produce the corpus of the girl Jeevika Kumari, daughter of the Respondent No. 8 Sheshnath Singh before this Court on the next date fixed. The production shall be ensured on 24th of January, 2019 at 10:30 A.M. in this Court. The petitioner has tendered a demand draft of Rs. 10,000/- for meeting expenses for the production of the said girl Jeevika Kumari. The same shall be retained on file and it shall be open to the detenu to receive the said amount as and when she appears before the Court as directed hereinabove.

We are issuing these directions keeping in view the background stated aforesaid. It shall also be open to the Respondent No. 8 to contest his claim by filing an affidavit. Certified copy of this order be issued and the order be also communicated by the learned counsel for the State of Bihar to the Respondent No. 5 for its execution. A copy of the petition will be served on the learned counsel for the State of Bihar today itself.

List this case on 24th of January, 2019 at 10:30 A.M.”

The draft of Rs.10,000/- (Ten thousand) that had



been deposited by the petitioner has been handed over to the victim who has been identified by her counsel to be present in Court. Let an appropriate receipt be issued for the same and handed over to the learned counsel for the petitioner.

We have categorically asked the victim Jeevika Kumari as to whether she would wish to go with her parents or otherwise. She has clearly stated before us that she wishes to go with her father Shri Sheshnath Singh who is present in Court.

In view of the statement given by the victim in person before us, no case is made out for interference.

The *habeas corpus* petition is, accordingly, rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

PNM/Saif

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