

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.507 of 2019

Arising out of PS. Case No.-13 Year-2019 Thana- LADANIA District- Madhubani

MANISH KUMAR (Male), aged about 21 years, son of Sikandar Mandal,
Resident of Village - Belahi, P.S.- Ladania, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary (HOME), Police Dept., Bihar, Patna. Bihar
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Sub Divisional Police Officer, Jay Nagar, Madhubani
5. The Officer Incharge of Ladania Police Station, Ladania (Madhubani)
6. Malsari Devi, Wife of Ganga Prasad Singh, S/o Late Ram Nandan Mahto, Resident of Village - Belahi, P.S.- Ladania, District - Madhubani
7. Nutan Kumari, Daughter of Ganga Prasad Singh, Resident of Village - Belahi, P.S.- Ladania, District -Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Kusum Rani, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, A.C. to A.G.
For Respondent Nos. 6,7:	:	Mr. Vishwanath Prasad Sinha, Sr. Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 02-04-2019 Heard Ms. Kusum Rani, learned counsel for the petitioner and Shri Vishwanath Prasad Sinha, learned Senior Counsel who has appeared for the Respondent Nos. 6 and 7 and has filed an affidavit of the Respondent No. 6. The Respondent No. 7 Nisha Bharti @ Nutan Kumari has also appeared before the Court and she has been identified by the learned counsel as such.



The affidavit of the Respondent No. 6 has categorically stated about the date of birth of the Respondent No. 7, which *prima facie* does indicate that she is a minor. However, this is always subject to assessment and consideration by the appropriate Court and, therefore, any such assertion in the affidavit before us shall not be treated as conclusive and binding and shall be open to scrutiny by the Court concerned where the case is pending.

The girl Respondent No. 7 has made a statement before the Court in the presence of the learned counsel for the parties that she is willingly living with Respondent No. 6 and would like to go with her.

In these circumstances, we do not find any case of unlawful detention having been made out so as to warrant exercise of jurisdiction under Article 226 of the Constitution of India for issuance of a Habeas Corpus Writ. The petition, therefore, is accordingly dismissed.

A Demand Draft of Rs. 10,000/- (ten thousand) had been made available before the Court as per the earlier directions to meet the travelling expenses of the Respondent Nos. 6 and 7. The said Demand Draft has been handed over to the learned counsel for the Respondent No. 6 who shall issue an



appropriate receipt for the same.

The petition stands consigned to records accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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