

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.619 of 2019

Arising Out of PS. Case No.-299 Year-2018 Thana- PHULWARISHARIF District- Patna

Anup Chaudhary, son of Late Bulkan Chaudhary, Resident of Village-Bodh Ganwa, P.S-Phulwari sharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Home Deptt. Govt. of Bihar, Patna
2. The Director General of Police (D.G.P.), Bihar, Patna. Patna.
3. The Deputy Inspector General of Police (D.I.G.), Patna Range, Patna. Patna.
4. The Senior Superintendent of Police (S.S.P), Patna. Patna.
5. The Superintendent of Police (S.P.), Patna. Patna.
6. The Sub-Divisional Police Officer (S.D.P.O.), Phulwarisharif, Patna. Patna.
7. The Officer-in-charge, Phulwarisharif P.S., District-Patna. Patna.
8. The Police Investigating Officer, Phulwarisharif P.S., District-Patna. Patna.
9. Tiju Chaudhary Son of Late Hira Chaudhary Resident of Village-Paliganj, P.S.-Paliganj, District-Patna.
10. Ujjawal Kumar Son of Tiju Chaudhary Resident of Village-Paliganj, P.S.-Paliganj, District-Patna.
11. Deepak Kumar Son of Tiju Chaudhary Resident of Village-Paliganj, P.S.-Paliganj, District-Patna.
12. Sheela Devi Wife of Tiju Chaudhary Resident of Village-Paliganj, P.S.-Paliganj, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamala Kant Tiwary
For the Respondent/s	:	Mr. Prabhu Nath Sharma, A.C. to A.G.

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

(Per: HONOURABLE THE CHIEF JUSTICE)

4 22-04-2019 A supplementary affidavit has been filed on behalf of

the petitioner today.

Learned counsel for the State has produced the



corpus of Kiran Kumari who is present in Court and who has been identified by her father who is also present in Court. She has made a statement that she has married one Ujjwal Kumar.

Learned counsel for the petitioner, on the basis of the evidence filed along with the petition, states that she has not attained the age of majority and, therefore, the allegation about she having married Ujjwal Kumar is absolutely a nullity and, even otherwise, as alleged, a case is made out for the prosecution as alleged in the First Information Report.

Upon the statement of Kiran Kumari made before us who does not intend to go with her father and states that she would like to maintain her so called relationship with Ujjwal Kumar, we do not find any reason for us at this stage to exercise this writ, without prejudice to the rights of the petitioner to seek his remedy before the concerned Court keeping in view the allegations of the date of birth of the corpus of Kiran Kumari and the disposal of this petition shall not be construed to be any approval of the claim of age by either of the parties.

Accordingly, the petition is consigned to records.

The demand draft of Rs.10,000/- has been handed over to Kiran Kumari in the presence of the learned counsel for the State who shall issue a receipt for the same to be endorsed



on the order-sheet of this petition.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

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