

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1067 of 2019

Arising Out of PS. Case No.-108 Year-2019 Thana- UCHKAGAON District- Gopalganj

Aman Manjhi @ Aman Kumar Manjhi S/o Sanjay Manjhi @ Sanjay Kumar
R/o village- Jamsadi, P.S.- Uchakagaon, District- Gopalganj

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home Government Of Bihar
2. Sattar Mian S/o Late Allauddin Mian R/o village- Trilokpur, P.S.- Uchaka Gaon, District- Gopalganj

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Adv.
For the Respondent/s	:	Mr.Sheo Shankar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 15-07-2019

Heard learned counsel for the petitioner and learned counsel for the State.

2. This application under Article 226 of the Constitution of India has been filed by the petitioner for quashing the First Information Report (for short 'FIR') of Uchaka Gaon P.S. Case No. 108 of 2019 registered inter alia under Section 366-A of the Indian Penal Code.

3. Learned counsel appearing for the petitioner submitted that the alleged victim is major as her date of birth as recorded in Adhar Card is 22.05.2000. She has married the petitioner out of her own sweet will.



4. On query, learned counsel for the petitioner submitted that till date the victim has not appeared either before the police or before the court and her statement has also not been recorded under Section 164 of the Code of Criminal Procedure.

5. Having heard learned counsel for the parties and perused the FIR, as contained in Annexure-1 to the application, I find that the allegation made by the informant in the FIR is that on 26.04.2019 in the night his daughter aged 15 years was abducted by the petitioner and his accomplices Manish Kumar and Guddu Kumar. He has raised suspicion that the abduction has been made with ulterior motive and his minor daughter may also be killed.

6. The allegations made in the FIR are quite serious. The victim is still traceless. Her statement has not been recorded under Section 164 of the Code of Criminal Procedure. In absence of recovery of victim, it cannot be said that she had willfully eloped with the petitioner. Furthermore, merely on the basis of xerox copy of the Adhar Card containing entry of date of birth of the alleged victim, she cannot be held to be major, especially when the informant, who is the father of the victim, has claimed that she is minor aged 15 years.



7. Since the allegations made in the FIR attract the ingredients of a cognizable offence, I am not inclined to quash the FIR.
8. The application is dismissed.

(Ashwani Kumar Singh, J)

pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18-07-2019
Transmission Date	18-07-2019

