

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.117 of 2019

Arising Out of PS. Case No.-8 Year-2018 Thana- MAHILA P.S. District- Lakhisarai

Sushma Devi, wife of Sadan Mandal, Resident of Pachna Road, Ward No. 17, P.S. Patel Nagar, Kabaiya, District -Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police (Headquarter and Administration), Bihar, Patna.
4. Deputy Inspector General of Police, Munger
5. The Superintendent of Police, Lakhisarai
6. The Station House Officer, Mahila Police Station, Lakhisarai
7. Gaurav Kumar, son of Pappu Mandal
8. Pappu Mandal, son of Ramji Mandal
9. Kundan Mandal, son of Ramji Mandal
10. Babani Devi, wife of Ramji Mandal
11. Pawan Mandal, son of Late Bisho Mandal
12. Sushila Devi, wife of Pawan Mandal
13. Rekha Devi, wife of Pappu Mandal
14. Ram Dulari Devi, wife of Palo Mandal

All Residents of Village- Pachana Road, Ward No. 16, in front of Bharat Mata, P.S.- Kabaiya, District – Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar, Advocate
For the Respondent/s : Ms. Prachi Pallavi, AC to AG

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

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-01-2019 Heard learned counsel for the petitioner and the

learned State counsel.

This habeas corpus petition has been filed for the

production of the corpus of Sweety Kumari, daughter of the

petitioner.



As per the narration of the facts in the petition itself, it is evident that an FIR was lodged after the girl eloped under Sections 366 (A)/120B of the Indian Penal Code where Pappu Mandal and Kundan Mandal, who were the respondent nos.8 and 9 herein, were arraigned as accused. In the said case arising out of FIR No.334 of 2017, Police Station and District Lakhisarai, the accused applied for bail which was granted in Criminal Miscellaneous Case No.62175 of 2017 by a learned Single Judge of this Court on 3rd January, 2018.

It appears that the girl had been recovered and was sent back home, but she again eloped, whereafter a second case was registered being FIR No.08 of 2018 with Mahila Thana, District- Lakhisarai in which again Gaurav Kumar, the respondent No.7 herein, has been granted anticipatory bail. The Court again took notice of the statement of the victim under Section 164 of the Code of Criminal Procedure and thereafter allowed the bail. It is, therefore, evident that the girl did eloped twice.

Learned counsel submits that the age of the victim is less than 18 years and, therefore, in this background, she is still under unlawful detention. The allegations have been made against the respondents 7 to 14 in this regard.



Having considered the aforesaid background of the case and the fact that the matter is already engaging the attention of the appropriate Court, it would be not necessary to issue a writ relating to the custody of the said victim which can be ensured through appropriate application before the competent Court. We are, therefore, not inclined to entertain this petition.

Consigned to records.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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