

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.183 of 2020

Arising Out of PS. Case No.-334 Year-2019 Thana- AMARPUR District- Banka

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Moti Singh Son of Late Sudin Singh Resident of Village - Choti Kaitha, P.S.-
Amarpur Fulidumar, District - Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Director General Of Police, Bihar, Patna.
Bihar
2. The Superintendent of Police, Banka Bihar
3. The Deputy Superintendent of Police, Banka. Bihar
4. The S.H.O. Amarpur Fulidumar P.S., District – Banka, Bihar
5. The Sub-Inspector of Police-cum-Investigating Officer of Amarpur
Fulidumar P.S.- Case No. 334/2019, Amarpur Fulidumar, P.S.- District -
Banka.
6. Ruby Devi Wife of Dilip Singh Resident of Village - Choti Kaitha, P.S.-
Amarpur Fulidumar, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Adv.

For the Respondent/s : Mr. P.N. Sharma, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-02-2020 The petition filed on 15.2.2020 is listed for hearing
for the first time today before the Court.

This application has been preferred praying inter



alia for the following relief/s:

“For directing the respondent no.5 to produce the minor girl namely Jyoti Kumari, who is kidnapped and kept in custody of respondent no.6 in Amarpur Fulidumar P.S. Case No.334 of 2019 and is not being produced in the court in compliance of the order dated 17.09.2019 and be further pleased to release Jyoti Kumari in favour of the petitioner after holding the confinement of Jyoti Kumari as illegal confinement.”

Having heard learned counsel for the parties, we do not find the present petition, in the nature of habeas corpus, to be maintainable for petitioner cannot be allowed to challenge the order passed by the trial court in these proceedings. The trial court has held the prosecutrix to be a minor, but by virtue of her statement under Section 164 Cr.P.C., handed over her custody to her mother-in-law who is one of the named accused.

Whether the custody is to be handed over to the mother-in-law or the prosecutrix, who is a minor, is to be housed in one of the remand homes is for the trial court to judge and such wisdom/opinion can be a subject-matter of appropriate proceedings, but certainly not in the instant one.

As such, the present petition is disposed of reserving liberty to the writ-petitioner to take recourse to



such other remedies as are otherwise available in accordance
with law, seeking appropriate relief/s.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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