

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.376 of 2020

Arising Out of PS. Case No.-128 Year-2020 Thana- FORBESGANJ District- Araria

GITA DEVI, W/o Manoj Kumar Mandal, Resident of Village-Kabaiya, Ward
No.3, P.O.-Bhoga Bhalgama, P.S.-Hasanganj, District-Katihar.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Home Secretary, Govt. of Bihar, Old Secretariat, Patna
4. The Inspector General of Police, Purnea Division, Purnea
5. The Deputy Inspector General of Police, Purnea Range, Purnea
6. The Superintendent of Police, Araria
7. The Sub-Divisional Police Officer, Forbesganj, District-Araria
8. The Officer-In-Charge, P.S. Forbesganj, District-Araria
9. Bijendra Kumar Singh, Investigation Officer, Forbesganj Police Station, District-Araria

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Narendra Kumar Singh, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-11-2020

Petitioner has prayed for the following relief(s):

“That this is a criminal writ application for issuance of an appropriate writ (s), order(s), direction(s) against the respondent authorities for taking action in Forbesganj P. S. Case No. 128/2020 dated 19.02.2020, instituted under sections 366, 366(A) of



the Indian Penal Code by which the girl namely Sunika Kumari aged about 16 years, daughter of the petitioner (informant) has been kidnapped by the accused persons on 13.02.2020 and the petitioner, after instituted the First Information Report, filed the representation bring the entire true facts in connection with the kidnapping of her minor girl but no action has been taken by the senior officers in respect of recovery of the minor girl and as such the petitioner become helpless and leading her shocking life with her family members. It is further stated that the investigation officer may be directed to investigate the case in proper and legal manner expeditiously so that action against the accused persons may be taken up and as such the action of the respondent authorities are quite illegal, arbitrary and malafide.”

Shri Pawan Kumar, learned Assistant Counsel to learned Advocate General appearing for the State states that during the course of investigation, the prosecutrix, who was alleged to be minor, was produced before the concerned Magistrate before whom she has given her statement.

As per the statement, the prosecutrix is a major; has solemnized her marriage with one Chhotu Kumar with whom now she is residing happily of her own volition. Also, she is carrying a child through him.

In this view of the matter, it cannot be said that the



prosecutrix is under illegal detention.

As such, the petition stands disposed of reserving liberty to the writ-petitioner to seek appropriate remedy in accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

