

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.160 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- BAKHARI District- Begusarai

Hanif Ur Rahman, son of Azhar Rahman, Resident of C-39, East Nizamuddin,
New Delhi.

... .. Petitioner

Versus

1. The State of Bihar (through Chief Secretary, Govt. of Bihar) Main Secretariat, Patna – 800015.
2. Meena Khatoon, wife of Mastan @ Noor Mohammad, Resident of Village- Mansurpur Chaksikandar, P.S.- Bidupur, District- Vaishali (Bihar)
3. The Bihar Police, through Standing Counsel.
4. Child Welfare Committee, through Chairperson, Chanakyanagar, Mahmadpur, Begusarai.
5. The Superintendent, Alpawas Grih, Nirala Nagar, Behind G.D. College, Ratanpur, Begusarai.

... .. Respondents

Appearance :

For the Petitioner	:	Ms. Kriti Awasthi, Advocate Mr. Sambhav Gupta, Advocate Mr. Navnit Kumar, Advocate Mr. Shyam Kumar, Advocate
For the Respondents	:	Mr. Nadim Seraj, G.P.5
For the Resp. No. 2	:	Ms. Archana Sinha, Advocate
For the Resp. No. 4	:	Mr. Prabhu Narain Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
C.A.V. JUDGMENT

Date : 14-12-2021

Heard Ms. Kriti Awasthi, learned counsel for the petitioner, Mr. Nadim Seraj, learned G.P.5 for the State, Ms. Archana Sinha, learned counsel for the respondent no. 2 and Mr. Prabhu Narain Sharma, learned counsel for respondent no. 4.

2. This writ application has been preferred seeking quashing of the order dated 19.02.2020 passed by learned



Special Court, Begusarai in POCSO Case No. 3/2020 (arising out of Bakhri P.S. Case No. 58/2020). By the impugned order the learned Special Court has directed release of a minor victim of alleged sexual offences in favour of respondent no. 2 who claims herself the mother of the minor victim.

3. The impugned order has been challenged on various grounds including that of non-compliances with the mandatory provisions of the Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as the 'Act of 1956'), the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'J.J. Act') and the provisions of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the 'POCSO Act').

4. Petitioner is the informant of Bakhri P.S. Case No. 58/2020. It is on the basis of his confidential information to Begusarai Police that a raid was conducted in a brothel (house of the maternal uncle of the victim) situated at Ismailnagar, Ward No. 8 within the jurisdiction of Bakhri Police Station, in the district of Begusarai. In the said raid conducted on 08.02.2020 by a team headed by the then Dy.S.P. (Headquarter) a girl child aged about 15 years was rescued and the house owner Sunita Devi, wife of Mantun Nutt, son of Anandi Natt



