

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2285 of 2017

Arising Out of PS. Case No.-72 Year-2017 Thana- ISUAPUR District- Saran

Manisha Kumari D/o Shri Manindra Nath Tiwari, R/o Village- Shumbha, P.S.-
Isuapur, District- Saran.. .. Petitioner

Versus

1. The State Of Bihar
2. The DGP Bihar, Patna.
3. The Superintendent of Police, Saran, Chapra.
4. The Sub Divisional Police Officer, Marhowrah, Saran.
5. The Station House Officer, Isuapur, Saran.
6. The Investigating Officer of Isuapur, P.S.- Case No.-72/17.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate
For the Respondent/s : Mr. Kumar Shanu, AC to AG.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner and Mr. Kumar Shanu, learned AC to AG for the State.

This writ application was filed more than 5 years ago with a prayer to direct the official respondents to provide proper security to the petitioner enabling her to make a fear free statement before the concerned Judicial Magistrate under Section 164 Cr.P.C. in connection with Isuapur, P.S. Case No. 72 of 2017.

Learned counsel for the petitioner submits that this petitioner had submitted a request letter to the Superintendent of Police, Chapra (Saran) vide Annexure '2' to the writ application in which she claims that her date of birth is 01.01.1999 and being an adult, she had left her house on her own will and volition. She further stated that her father had lodged a false and baseless case as nobody



had either abducted her or had established any wrong relationship with her.

Learned counsel submits that despite Annexure '2' submitted with the Superintendent of Police, Chapra at Saran, no step was taken by the Investigating Officer of the case for getting recorded the statement of the petitioner under Section 164 of Cr.P.C.

In this case, the State has filed a counter affidavit sworn by the Additional Superintendent of Police, Saran at Chapra. On the basis of the information received from S.H.O of Isuapur police station, it is stated that the writ petitioner and the accused of the case are residing in a secret place and for recovery of both of them, the police is regularly trying its best in accordance with law. It is stated that on the one hand, the petitioner wants to give her statement under Section 164 Cr.P.C. but at the same time, she is evading her appearance before the police officers or any other competent authority. The deponent of the counter affidavit further states that "If she appears before the competent police officer each and every legal support as well as protection will be given to her by the answering respondent in accordance with law."

Learned counsel for the State, therefore, submits that the deponent of the counter affidavit has taken a fair stand and it is for the petitioner to present herself before the competent police officer and if the petitioner presents herself before the Superintendent of Police, Saran at Chapra, all legal procedures shall be followed and in



case, it is so required she will be provided protection as well. The Superintendent of Police shall examine this but only after appearance of the petitioner before him.

Taking note of the aforesaid submissions of learned AC to AG for the State and the stand taken in the counter affidavit, this Court is of the considered opinion that the petitioner must present herself before the Superintendent of Police, Saran at Chapra within a reasonable period, if she has not appeared till date and let the police officers complete their formalities including recording of statement of the petitioner and taking appropriate steps in the matter. If the petitioner appears before the Superintendent of Police, Saran at Chapra, she will not be arrested and if so required, adequate protection shall be provided to her.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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