

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.854 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Birendra Sahani aged about 44 years(Male) Son of Late Fulgen Sahani,
Resident of Village - Majhar, P.S. Pakridayal, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, East Champaran at Motihari
3. The Deputy Superintendent of Police, Pakridayal (Sikrahana), East Champaran at Motihari.
4. The Circle Inspector of Police, Pakridayal, East Champaran at Motihari.
5. The officer In Charge of Pakridayal Police Station, East Champaran.
6. The Investigating officer of Pakridayal Police Station Case No. 88 of 2022.
7. Police Kumar Sahni Son of Late Banu Sahni.
8. Uma Devi, Wife of Banu Sahni.
both are resident of Village- Majhar Gudra Ghat, P.S.- Pakridayal, District - East Champaran.
9. Sunita Kumari age 15 years minor daughter of Birendra Sahani Resident of Village- Majhar, P.S.- Pakridayal, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate.
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

5 14-10-2022 Heard Mr. Vijay Shankar Shrivastava, learned counsel

for the petitioner through video conferencing. Mr. Prabhu

Narayan Sharma, learned A.C. to learned Advocate General is

present in Court.

2. In terms of order dated 27.09.2022, the respondent
no. 9, who is the daughter of the petitioner, has been produced
before the Court by the authorities. Second supplementary
counter affidavit has also been filed on behalf of respondents no.



2 to 5.

3. From the same it transpires that the respondent no. 9 upon recovery has been produced before the POCSO Court and her statement under Section 164 of the Code of Criminal Procedure, 1973 has been recorded in which she has stated that on her own will she has gone and married the respondent no. 7 and wants to live with him. She was then produced before the concerned POCSO Court and having regard to the fact that in the certificate issued by the Government upgraded middle school, Babu Tola, Majhar, Pakridayal, Motihari the date of birth entered in the certificate being 03.03.2006, she was about 16 and a half years old and accordingly the Special Court, POCSO vide order dated 29.09.22 has directed her to be produced before the Child Welfare Committee, East Champaran, Motihari to be looked after as per Section 31 of the Juvenile Justice Act, 2015 and as a result she is being kept in the remand home at Motihari.

4. This Court had taken steps for production of the girl mainly keeping in mind the fact that the petitioner being the father of the girl, who had allegedly been kidnapped, was entitled to know about the welfare of his daughter and also since the police had found the allegation to be true. However, today,



upon her production, the Court is satisfied that the girl is safe and sound.

5. Having regard to the fact that the substantive case is already pending and the girl is now in the remand home in view of her officially recorded date of birth, whereas in the medical examination it has been opined that her age is between 17 and a half to 18 and a half years, the Court leaves all issues open to be decided by the concerned Court.

6. Learned counsel for the petitioner submits that he be given liberty to move before the appropriate forum in accordance with law.

7. Having regard to the aforesaid, the writ petition stands disposed of with liberty to the petitioner to take steps in accordance with law.

8. The respondent no. 9, who has been produced before the Court may be taken back safely to the remand home from where she has been brought.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

Niraj/aditya

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