

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1143 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- PALASI District- Araria

JHUBRI DEVI

... .. Petitioner/s

Versus

The State of Bihar through the Director General of Police, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Rama Nand Poddar, Advocate
For the Respondent : Mr. Lalit Kishore (A.G.)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

9 14-12-2022 The petitioner claims to be mother-in-law of a female (name concealed), who, according to her, has solemnized marriage with her (the petitioner's) son. This writ petition has been filed seeking direction to the State authorities as well as respondent no. 10, who is father of the said female, that her custody should be handed over to her (the petitioner) and who is presently in illegal confinement of her father (respondent No. 10).

A counter affidavit has been filed on behalf of the Superintendent of Police, Araria, stating therein, *inter alia*, that the girl was recovered after lodging of a criminal case by her



father and her statement under Section 164 of the Cr.P.C. was recorded. As the court, while recording the statement of the girl under Section 164 of the Cr.P.C., assessed her age as 15 years and since she was not willing to go with her parents, she was kept in a remand home at Kishanganj. Subsequently, in the light of a letter issued by the Chairman, Child Welfare Committee, Araria, the learned Additional District and Sessions Judge-I, Araria, directed for handing over the custody of the said girl to her parents on *jimmanama*. It has further been stated that in her statement under Section 164 of the Cr.P.C., the girl has denied the allegation of her kidnapping and has admitted that she had gone with the son of respondent no. 10 out of her own volition. During the medical examination, her age was assessed as 18 to 20 years.

Be that as it may, the petitioner, claiming to be mother-in-law of the said girl, cannot maintain this writ petition seeking issuance of writ in the nature of writ of *habeas corpus* for custody of the said female. This writ petition, in our view, is misconceived.

Further, it goes without saying that if a person has a grievance that someone has been put under illegal confinement, which amounts to an offence, he may approach the District



Magistrate, Sub-Divisional Magistrate or Magistrate of the first class under Section 97 of the Cr.P.C..

This application, in our opinion, has no merit and is accordingly dismissed with the aforesaid observation.

(Chakradhari Sharan Singh, J)

(Chandra Prakash Singh, J)

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