

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1236 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District-

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MEHARUN KHATOON Wife of Late Tasaim Miyan R/o Ghoghanpur, P.S.-
Kanchanpur Beriya, District - Saptahari Nepal (Nepal) Kathmandu.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Sardar Patel Bhawan
Bailey Road Patna. Bihar
2. The Director General of Police, Government of Bihar, Sardar Patel Bhawan
Bailey Road, Patna. Bihar
3. The Superintendent of Police East Champaran. Bihar
4. The IO of Sathi PS Case no 192/2022, District West Champaran. Bihar
5. The Child Welfare Committee Bettiah through its minister Adity Kumar,
Dist. Bettiah, West Champaran Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Kant, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G)

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE A. M. BADAR)

3 29-11-2022 Heard the learned counsel for the petitioner at

sufficient length of time. He argued that detenue who happens

to be minor female child was produced before the learned

Additional Sessions Judge-VIIth-cum-Special Judge (POCSO)

Act, West Champaran, Bettiah on 13.09.2021 and because of

judicial order passed by the learned Special Judge (POCSO),

Bettiah there is illegal detention of detenue who is minor female

child. He further argued that subsequently the detenue came to



be released on application of her parents by the Child Welfare Committee and therefore suitable compensation be awarded to the petitioner who happens to be mother of the minor female child.

The petition as framed and filed is frivolous causing wastage of judicial time. Judicial order has been passed by the Special Judge (POCSO), West Champaran, Bettiah on 13.09.2021 when the minor female child was produced before him. Upon being asked, the minor female child had disclosed to the learned Special Judge, West Champaran, Bettiah that she wants to accompany her sister who is resident of Nepal. The judicial finding is given by the learned Special Judge that it would not be proper to give the custody of the minor female child to her sister who is not the citizen of the State. Hence, the minor female child was directed to be given in custody of Child Welfare Committee, Bettiah. Such judicial order cannot cause any illegal detention of minor female child. Even otherwise, the petitioner had remedy to assail the order passed by the learned Special Judge, Bettiah. The petitioner ought not to have approached this Court by filing this writ of habeas corpus alleging illegal detention only because some judicial order giving custody of minor female child was passed by the learned



Special Judge (POCSO), Bettiah.

The petition is accordingly dismissed.

(A. M. Badar, J)

(Alok Kumar Pandey, J)

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