

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.494 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- KONCH District- Gaya

RAJNANDAN YADAV S/O CHANDRIKA YADAV R/O VILLAGE-TOLA
CHANDAPOKHAR P.O-NIGHAI, P.S-KONCH, DISTRICT-GAYA,
KONCH

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Deptt. of Home, Govt. of Bihar, Patna.
2. The Deputy Inspector General of Police, Gaya.
3. The Superintendent of Police, Gaya.
4. The Deputy Superintendent of Police, Gaya.
5. The Inspector of Police, Konch P.s., Gaya.
6. The Officer Incharge, Konch P.S., Gaya.
7. The Investigation Officer, Konch, Gaya.
8. Sri Naulesh @ Tukku S/o Sikendra Yadav R/o village-Chandapokhar, P.S-Konch, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr. Manish Kumar, GP 04

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-06-2023 The contention of the petitioner is that the learned Magistrate without ascertaining the correct date of birth / age of the victim and on the basis of her statement recorded under Section 164 Cr.P.C. on 07-07-2020 has allowed the victim to go wherever she wants on her own will.

Learned counsel for the petitioner submits that an F.I.R. was lodged by the petitioner dated: 21.06.2020 under Section 363 / 365 / 504 / 506 / 34 of the I.P.C. bearing Konch



P.S. Case No. 179 / 2020 stating therein that the minor daughter, aged about 15 years (i.e. the victim) of the petitioner / informant was abducted by the accused person named in the F.I.R namely, Naulesh @ Tukku. The girl was recovered and her statement under Section 164 Cr.P.C. was recorded on 07-07-2020 in which she has stated that she was not kidnapped and has performed love marriage with Naulesh @ Tukku but the learned Magistrate before recording statement of the victim girl under Section 164 Cr.P.C., vide order dt. 02/07/2020 has allowed the victim girl to go and reside on her own will with the person of her choice. The petitioner is not in a position to say that at present the victim girl is residing with whom.

I have heard learned counsel for the parties and have perused the material on record and the statement of the victim girl recorded under Section 164 Cr.P.C. in which she has disclosed her age as 19 years. The girl has not made any complain against anybody and has stated that she has performed marriage with one Naulesh, with whom she had love affair. The father of the victim girl is pursuing the writ application for production of the girl stating that she is a minor.

Having perused the statement of the victim girl recorded under Section 164 Cr.P.C. in which she has disclosed



her age as 19 years in the year 2020 itself, I am not inclined to interfere with the order dated: 02/07/2020 passed in Konch P.S. Case No. 179 / 2020, G.R. No. 3025 / 2020 by the learned A.C.J.M. III, Gaya.

Accordingly, the application stands dismissed.

(Anil Kumar Sinha, J)

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