

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.357 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- THAKRAHA District- West Champaran

1. Sameer Hussain Son Of Hazrat Dhobi @ Hazrat Dhobi R/O Village- Koirpatti, P.S.- Thakraha, District- West Champaran
2. Pushpa Kumari D/O Balram Kushwaha, Wife Of Sameer Hussain R/O Village- Koirpatti, P.S.- Thakraha, District- West Champaran

... .. Petitioners

Versus

1. The State Of Bihar, through The Principal Secretary, Department Of Home Affairs Govt. Of Bihar Patna
2. The Director General Of Police, Govt. Of Bihar, Patna
3. The District Magistrate, District- West Champaran At Bettiah
4. The Superintendent Of Police, District-West Champaran At Bettiah
5. The Sho, Thakraha Police Station, District- West Champaran
6. Balram Kushwaha Son Of Late Bandhu Kushwaha R/O Village- Koirpatti, P.S.- Thakraha, District- West Champaran
7. Hazrat Dhobi @ Hazrat Dhobi Son Of Khalil Hussain R/O Village- Koirpatti, P.S.- Thakraha, District- West Champaran

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Respondent/s : Mr. Dipak Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-10-2023 Heard learned counsel for the petitioners and the learned counsel for the State.

2. By filing this writ application, the petitioners are seeking a direction to the State respondents to properly investigate Thakraha P.S. Case No. 11 of 2023 and also to provide legal protection to the petitioners who claim that their life, freedom and liberty are at stake in the hand of private



respondent nos. 6 and 7.

3. Both the petitioners claim that they are major and because they have entered into an inter-religion marriage, the life and liberty of the petitioners are at stake. It is alleged that their parents are bent upon terminating the life of the newly wedded couple due to their inter-faith marriage.

4. A counter affidavit has been filed on behalf of the State respondents. It is stated that during investigation and supervision, the case has been found prima-facie true against all the accused persons. The stand of the respondents is that both the petitioners should have joined the investigation and the petitioner no.2 is required to make her statement under Section 164 Cr.P.C. if there is any claim of marriage between the two petitioners.

5. Having regard to the case of the petitioners and the stand of the respondents, this Court is of the considered opinion that both the petitioners must appear before the Investigating Officer or the Superintendent of Police, West Champaran at Bettiah within a period of four weeks from today and on their appearance before the concerned authorities, their statements be recorded and other appropriate action be taken in accordance with law. The statement of the petitioner no.2 shall also be



recorded forthwith before the learned Magistrate.

6. So far as the apprehension of petitioner no.1 that he may be taken into custody is concerned, this Court directs that on his appearance before the Investigating Officer or the Superintendent of Police, West Champaran at Bettiah within the aforesaid period together with petitioner no.2, they shall not be taken into custody and the desirability to arrest the petitioners or take any other coercive action against them will depend upon what transpires in course of investigation after statement of the petitioner no.2 is recorded.

7. The Superintendent of Police, West Champaran at Bettiah shall also assess the threat perception of the petitioners and in case it is found that they have any threat to their life, appropriate remedial measures shall be taken to protect the life and liberty of the petitioners.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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