

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.48 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- KATRA District- Muzaffarpur

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MANISH KUMAR SINGH Son of Satya Narayan Singh Resident of Village-
Budhkara (Tehwara), P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY,
DEPARTMENT OF HOME, BIHAR, PATNA Bihar
2. The Senior Superintendent of Police, Muzaffarpur. Bihar
3. The Officer in- charge, Katra, Police Station, District- Muzaffarpur Bihar
4. Megha Kumari Resident of Village- Budhkara (Tehwara), P.S.- Katra,
District- Muzaffarpur. At present in the custody of daras Devi, Wife of
Awadhesh Singh, Resident of Village- Pipraha, P.S.- Kanti (Panapur O.P.),
District- Muzaffarpur.
5. Daras Devi Wife of Awadhesh Singh Resident of Village- Pipraha, P.S.-
Kanti (Panapur O.P.), District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ganesh Prasad Singh
For the Respondent/s	:	Mr. Anil Kumar, AC to SC 8
For respondent No.5	:	Mr. Gaurav Prakash

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-02-2023 Heard learned counsel for the petitioner and the State.

Petitioner has filed this writ petition for following
reliefs:-

*(A) To issue appropriate writ in the nature of Certiorari
for setting aside the order dated 02.03.2020 passed by learned
ACJM-XIV, Muzaffarpur in Katra PS case No. 26/2020 whereby and
whereunder learned Magistrate has illegally handed over the minor
daughter of the petitioner (victim of Katra PS case No. 26/2020) in
the custody of private respondent No.5, who is stranger, merely on*



the basis of her tutored statement given under threat of the accused persons without considering the material evidence which suggest her juvenility.

(B) To issue writ of mandamus for direction to the respondent authority to release the minor daughter of the petitioner namely, Megha Kumari, from the custody of private respondent and handed over to the petitioner since petitioner is natural guardian of Megha Kumari.

(C) To grant any other relief or reliefs under the facts and circumstances of the case under which the petitioner is entitled.

It is submitted on behalf of the petitioner that victim is minor daughter of the petitioner and without his consent she was handed over to respondent No. 5 vide order dated 02.03.2020 passed by learned ACJM-XIV, Muzaffarpur in Katra PS Case No. 26/ 2020.

However, learned counsel for the respondents submits that victim on her appearance gave her statement u/s 164 of the Cr. P. C. stating therein that she had love affairs with Vicky Singh, relative of respondent No.5, and she had already solemnized marriage with Vicky Singh in a temple and she wanted to go with respondent No.5. It is further submitted that from her appearance the victim appears to be major and the Court has assessed her age to be 19 years and considering these



facts the court below directed to release the victim in favour of respondent No.5 with a direction to keep her with proper care and security.

Considering the rival submissions of the parties and on careful perusal of the records, this court finds no illegality in the impugned order.

This writ petition is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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