

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.965 of 2023

Arising Out of PS. Case No.-375 Year-2022 Thana- MOTIPUR District- Muzaffarpur

PRIYANKA KUMARI WIFE OF SUJIT KUMAR RESIDENT OF
VILLAGE- KODAR KATTA (PURAN TOLA), PO- BARJI, PS- MOTIPUR,
DISTT- MUZAFFARPUR PRESENTLY AT REMAND HOME, GAIGHAT
PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE DISTRICT MAGISTRATE-CUM-COLLECTOR, DISTT- MUZAFFARPUR BIHAR
3. THE SENIOR SUPERINTENDENT OF POLICE, DISTT- MUZAFFARPUR BIHAR
4. THE OFFICER IN-CHARGE, PS- MOTIPUR, DISTT- MUZAFFARPUR BIHAR
5. SRI RAJEEV RANJAN A.S.I. , THE INVESTIGATING OFFICER, PS- MOTIPUR, DISTT- MUZAFFARPUR BIHAR
6. SUJIT KUMAR SON OF NANDU RAM RESIDENT OF VILLAGE- DARIYA CHHAPRA, PS- MOTIPUR, DISTT- MUZAFFARPUR
7. PANPATI DEVI (INFORMANT) WIFE OF SRI BALENDRA SAHANI RESIDENT OF VILLAGE- KODAR KATTA, PO- BARJI, PS- MOTIPUR, DISTT- MUZAFFARPUR
8. BALENDRA SAHANI SON OF MAHABIR SAHANI RESIDENT OF VILLAGE- KODAR KATTA, PO- BARJI, PS- MOTIPUR, DISTT- MUZAFFARPUR
9. NARAD SAHANI SON OF AKSHAY LAL SAHANI RESIDENT OF VILLAGE- KODAR KATTA, PO- BARJI, PS- MOTIPUR, DISTT- MUZAFFARPUR
10. BANSHI SAHANI SON OF RIJHAN SAHANI RESIDENT OF VILLAGE- KODAR KATTA, PO- BARJI, PS- MOTIPUR, DISTT- MUZAFFARPUR
11. THE SUPERINTENDENT, AFTERCARE HOME, GAIGHAT, PATNA BIHAR



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suraj Narayan Yadav, Adv
Mr.Upendra Kumar Chaubey, Adv
For the Respondent/s : Mr.P.K. Shahi (AG)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

**and
HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 06-07-2023 The petitioner has filed the present criminal writ application under Article 226 of the Constitution of India seeking issuance of a direction for her production before this Court and for her release from the After Care Home, Gai Ghat, Patna. She is also seeking quashing of an FIR registered vide Motipur P.S. Case No. 375 of 2022, for the offences punishable under Sections 363 and 366-A of the IPC, lodged against respondent no. 6 whom, she claims to be married and other persons named in the FIR. It is her case that she had gone with respondent no. 6 out of her own sweet will and a criminal case has been falsely instituted against respondent no. 6 and his family members of kidnapping her.

It appears from the records that the date of birth of the petitioner as entered in the matriculation certificate is 09.01.2007. Her age as on date, based on the date of birth,



mentioned in the matriculation certificate, is apparently much less than 18 years. The petitioner is thus a child within the meaning of Section 2(d) of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel appearing on behalf of the petitioner has, however, submitted that the age of the petitioner is in controversy. He has submitted that the petitioner is 20 years of age and her age has been assessed as 18 years by the learned Magistrate, while recording her statement under Section 164 of the Cr.P.C. He has also pointed out that in the Aadhar card also, the date of birth of the petitioner is different from the date as mentioned in the matriculation certificate.

We are not convinced with the submission that based on the tentative assessment of her age by the learned court while recording the statement of the petitioner under Section 164 of the Cr.P.C, the petitioner should be held to be above 18 years of age contrary to the age based on the date of birth mentioned in her matriculation certificate.

In such view of the matter, we are not inclined to entertain this writ application. Relief which the petitioner is seeking in the present criminal writ application, cannot be granted.



This application, in our view has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Nawneet Kumar Pandey, J)

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