

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.724 of 2024

Arising Out of PS. Case No.-21 Year-2023 Thana- KAKO District- Jehanabad

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MANISH RAJ @ MANI KUMAR @ MANISH KUMAR SON OF MANOJ KUMAR
VIDYARTHY RESIDENT OF VILLAGE - NAWADA, P.S. -KAKO, DISTRICT –
JEHANABAD

... ... Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH HOME SECRETARY, GOVT. OF BIHAR, PATNA BIHAR
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
3. THE SUPERINTENDENT OF POLICE, JEHANABAD BIHAR
4. THE DY. SUPERINTENDENT OF POLICE, JEHANABAD BIHAR
5. THE S.H.O. KAKO P.S. (O.P. - VELABAR), DISTRICT - JEHANABAD BIHAR
6. THE SUPERINTENDENT OF LARGE SHELTER HOME, NAWADA BIHAR

... ... Respondent/s

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Writ for issuance of direction of Habeas Corpus regarding illegal confinement by the respondents in Short Stay Home (Alpawas Grih) -girl claimed to be wife of the petitioner and major - illegally confined by the respondents authority.

Is the present Writ maintainable for issuance of direction of Habeas Corpus regarding illegal confinement by the respondents in Short Stay Home (Alpawas Grih) who is claimed to be wife of the petitioner and is major.

Held:From perusal of the material available on record, it is quite clear that the victim is still minor. Furthermore, in pursuance of order dated 24.04.2024 passed by this court, the victim's mother appeared before the court and she stated that she is afraid of keeping her daughter. Petitioner is

having criminal antecedent. From perusal of the material available on record, it is evident that victim is minor and her mother is not ready to keep the victim with her. Presently, victim has been kept in Short Stay Home (Alpawas Grih). Hence, petitioner has not made out a case as there is no illegal confinement of the victim.

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MANISH RAJ @ MANI KUMAR @ MANISH KUMAR SON OF MANOJ
KUMAR VIDYARTHY RESIDENT OF VILLAGE - NAWADA, P.S. -
KAKO, DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR THROUGH HOME SECRETARY, GOVT. OF BIHAR, PATNA BIHAR
- 2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
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- 6. THE SUPERINTENDENT OF LARGE SHELTER HOME, NAWADA BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Kumari Anjani Sinha
For the Respondent/s : Mr.Advocate General

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY)

Date : 06-05-2024

In the instant petition, the petitioner has
prayed for the following relief(s):-

(i) For issuance of
direction a writ of Habeas Corpus for present
of xxxxxxxx (wife of the petitioner) is illegal
confinement by the respondents because she
is a married major girl.



(ii) For issuance of an appropriate writ/order/direction to the respondents granting any other relief or reliefs for which the petitioner is found entitled.

2. As per statutory requirement, the name of victim as well as relative has not been disclosed to protect her identity and prestige.

3. Briefly stated the facts of the case is that victim is said to have been taken out by the petitioner with bad intention and present writ petition has been filed seeking direction to release the petitioner's wife/victim from illegal confinement as she is major.

4. Learned counsel for the petitioner submitted that victim, who is claimed to be wife of the petitioner, is major and she is illegally confined by the respondents authority in Short Stay Home (Alpawas Grih). Learned counsel further submitted that petitioner has solemnized his marriage with major girl (victim) and he is entitled to live with his wife. Learned counsel further submitted that as per birth certificate issued by the



Registrar (Birth and Death), Nagar Parishad, Jehanabad,
date of birth of victim is 14.08.2004.

5. Learned counsel for the State submitted that as per School Admission Register, date of birth of victim is 04.08.2007. Learned counsel further submitted that mark sheet of victim issued by Bihar School Examination Board, Patna clearly indicates that date of birth of the victim is 04.08.2007 and on the basis of said certificate age of the victim is less than 18 years. In this way, victim is minor.

6. From perusal of the material available on record, it is quite clear that the victim is still minor. Furthermore, in pursuance of order dated 24.04.2024 passed by this court, the victim's mother appeared before the court and she stated that she is afraid of keeping her daughter. Petitioner is having criminal antecedent. From perusal of the material available on record, it is evident that victim is minor and her mother is not ready to keep the victim with her. Presently, victim has been kept in Short Stay Home (Alpawas Grih). Hence, petitioner has



not made out a case as there is no illegal confinement of the victim.

7. Considering the aforesaid facts and circumstances as well as material available on record, the present Cr.W.J.C. is not maintainable and same stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	AFR
CAV DATE	01.05.2024
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