

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1694 of 2024**

Arising Out of PS. Case No.- Year-0 Thana- District- Saran

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Kumar Divyam son of Dayanand Yadav Village- Charawa, P.O.- Chainwa, P.S.- Rasulpur, Dist.- Saran Representing the victim lady Namely Arpita Kumari, age about 23 years Daughter of shambhu nath kumar, resident of Jhandapur Po- Jhandapur, ps- Bihpur, Dist- Bhagalpur as her next friend

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY HOME DEPT. GOVT. OF BIHAR, OLD SECRETARIAT, PATNA , Bihar
2. THE DISTRICT MAGISTRATE, BHAGALPUR BIHAR
3. THE SUPERINTENDENT OF POLICE, BHAGALPUR (NAUGACHIYA) BIHAR
4. THE OFFICER IN-CHARGE SULTANGANJ POLICE STATION, PATNA BIHAR
5. THE OFFICER IN-CHARGE, JHANDAPUR, BIHPUR, BHAGALPUR BIHAR
6. SHAMBHU NATH KUMAR SON OF NOT KNOWN VILLAGE- JHANDAPUR, PO- JHANDAPUR, PS- BIHPUR, DIST- BHAGALPUR
7. MILI KUMARI WIFE OF SHAMBHU NATH KUMAR VILLAGE- JHANDAPUR, PO- JHANDAPUR, PS- BIHPUR, DIST- BHAGALPUR

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Manju Sharma  
For the Respondent/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 27-08-2024**

In the instant petition, petitioner has prayed for the following relief:

*That the instant application is directed for passing necessary order or orders as nature of the case may*



*require, releasing the victim represented petitioner from her wrongful and illegal confinement with the help of concern respondent authority, made in the residential house itself at the instance of her parents by way of issuing writ of Habeas corpus.*

2. On 13.08.2024, we have passed the following order:

*The Superintendent of Police, Bhagalpur Naugachiya is requested to send women police officer to the residence of Respondent Nos. 6 and 7 and find out whether Arpita Kumari who is stated to be a friend of the petitioner is illegally confined and not permitting her to go out of the house. Further, it is learnt that Arpita Kumari is required to appear in the UGC NET examination earmarked for appointment of lecturer which is scheduled to be held between 21.08.2024 to 04.09.2024. Her confinement would take away her right to participate in the examination or not? These are the information be secured and apprise this Court on the next date of hearing.*



2. *Re-list this matter on 20.08.2024.*

3. On 20.08.2024, we have passed the following order:

*Pursuant to our order, counter affidavit on behalf of Respondent No. 3 has been filed along with the two documents. Even though we are satisfied that victim girl is not staying under any coercion with her parents. However, learned counsel for the petitioner submitted that due to pressure/coercion she has given her statement on 14.08.2024.*

*2. Be that as it may, Respondent no. 3 is hereby directed to arrange for presence of Arpita Kumari on the next date of hearing so as to interact with her whether has she submitted statement on 14.08.2024 was under duress or not? The police official must accompany her in a civil dress.*

*3. Re-list this matter on 27.08.2024 at 02.15 P.M.*

4. Today, Arpita Kumari is present in the Court. She is a major and she submitted that due to coercion/duress, she has given her statement on 14.08.2024 and such statement has been given on the threat by the P.S.I-Mr. Panna Lal Rai, who had visited the residence of Arpita Kumari. The aforementioned statement has been obtained in the presence



of parents of Arpita Kumari. After these events, the parents of Arpita Kumari had assured her that she will not be kept in house custody and she would be free to move from the house and return. Due to act of the parents and the P.S.I-Mr. Panna Lal Rai, Arpita Kumari lost her opportunity and right to participate in the process of UGC NET examination for appointment of Lecturer. Thereby, her career has been ruined.

5. The Superintendent of Police, Bhagalpur, Nagauchiya, is requested to initiate action against the police officer-Mr. Panna Lal Rai about his conduct when he was on duty under the directions of this Court in the aforementioned case, resultantly Arpita Kumari lost her right to appear in the UGC Net examination earmarked for appointment of lecturer. It is also learnt that the aforementioned police officer is a probationer. During probation, if he behaves in this manner then we should imagine of his attitude after his confirmation in the post.

6. At this juncture, Arpita Kumari, with reference to assurance given by her parents, she intends to stay with her



parents. The aforementioned statement is recorded in her presence.

7. With the above observations, present petition stands disposed of.

**(P. B. Bajanthri, J)**

**(Alok Kumar Pandey, J)**

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2024
Transmission Date	NA

