
(2008) 10 PAT CK 0031
In the Patna High Court
Case No : Cr.WJC No. 804 of 2008

Laxman Roy

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 24-10-2008

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 323, 34, 341, 366

Citation : (2008) 10 PAT CK 0031

Hon'ble Judges : R.M. Lodha, C.J.; Kishore K. Mandal, J

Bench : Division Bench

Advocate : Amrit Abhijat and Nagendra Prasad Yadav, for the Appellant; Kumar Udai Bhanu Roy, for the Respondent

Judgement

1. The habeas corpus petition is at the instance of the father for production of his daughter Mana Kumari @ Seema Kumari, as according to him, she has been illegally detained by Baijnath Paswan. The petitioner has stated that his daughter Mana Kumari, who is fourteen years old, was kidnapped from his house on 1st February, 2008. He has also lodged a first information report being Nanpur P.S. Case No. 15/2008 under Sections 366A, 366, 120B, 341, 323, 379, 504 read with Section 34 IPC. The girl Mana Kumari has been produced before us. She stated that she has married Baijnath Paswan of her own free will without any pressure or undue influence from any quarter much less Baijnath Paswan. She claimed that she was major and about 20 years old.

2. In the light of the statement made by Mana Kumari @ Seema Kumari, we are satisfied that no further order needs to be passed by this court and she must be at liberty to reside wherever she wants. Habeas corpus jurisdiction cannot be converted in forum to resolve the dispute concerning guardianship, nor determine the disputed question of fact regarding age of the girl. Habeas corpus is, accordingly, disposed of.