

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13352 of 2015

Arising Out of PS.Case No. -250 Year- 2014 Thana -SALKHUA District- SAHARSA

1. Aisha Praveen D/o Md. Sabir, resident of Village - Jamalnagar Kalotwa, P.S. - Salkhua, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

The Petitioner seeks quashing of the order dated 3.2.2015, by which the Judicial Magistrate, 1st class, Saharsa has rejected her prayer for release in connection with Salkhua P.S. case No.250 of 2014 and sent her in the Mahila Grih Remand Home, Mokama Patna.

In the interest of justice to arrive at the truth, the Petitioner was summoned in Chambers today. She has appeared. She states that she is 20 years of age and married Md. Umar out of her own sweet will and does not support the case of kidnapping instituted by her father.

The Superintendent, Mahila Grih Remand Home, Mokama Patna is directed to immediately forward the Petitioner

before the concerned Judicial Magistrate, who shall record her statement in regard to the factum of kidnapping, her age and thereafter release her as it deems fit and proper in accordance with law.

It is clarified that every citizen has a right to freedom under Article 21 of the Constitution of India and hence when the Petitioner claims to be an adult and expresses her wish to be free, there should be no impediment in it.

With the aforesaid observations, the application stands disposed of.

Let this order be e-mailed to the Superintendent, Mahila Grih Remand Home, Mokama Patna in connection with Salkhua P.S. case No.250 of 2014 pending in the court of the Judicial Magistrate, 1st class, Saharsa by the NIC, Patna High Court at the following address: “adcpu Patna@gmail.com”

(Anjana Prakash, J)

Narendra/-

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