

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.294 of 2015

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Sohan @ Awadhesh Kumar, son of Babu Ram Kushwaha, resident of
village Shivanaha, P.S. Balmiki Nagar, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Main
Secretariat, Patna
3. The District Magistrate, Patna
4. The District Magistrate, West Champaran
5. The Superintendent of Police, West Champaran
6. The Superintendent of Police, Patna
7. The Incharge, Remand Home, Patna
8. Chinta Kumari @ Chinta Devi D/o Nand Lal Ram C/o in Area Remand
Home, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Prithvi Nath Mishra

For the State : Mr. Manikant Mishra GA-25

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

And

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 28-04-2015

Heard learned counsel for the petitioner and

learned counsel for the State.

The application has been filed by the petitioner
for issuance of a writ of habeas corpus with respect to one Chinta
Kumari alias Chinta Devi, daughter of Nandlal Ram claiming to
be her husband.

It is not in dispute that the father of the girl
Chinta Kumari had lodged the FIR being Balmikinagar P.S.Case
No. 24/2014 dated 29.5.2014 under Sections 366A, 372/34 of the



Indian Penal Code and Section 3(I)(XII) of the SC/ST Act against the petitioner and his family members and others. The petitioner was arrested and the girl was also examined under Section 164 Cr.P.C. in which she gave her age as 20 years, whereas the Medical Board has judged her age as 14-15 years which also corresponds to the stand of the father of the girl in the FIR that she was a student of Class-VII. The girl accepted that she had gone on her own with the petitioner and married him at Ludhiana and has refused to go to her parents home and by the order dated 10.7.2014 of the Additional Chief Judicial Magistrate she has been sent to remand home against which a revision petition was filed before the District & Sessions Judge, West Champaran, Bettiah which has also been dismissed by order dated 12.1.2015.

Learned counsel for the petitioner seeks to rely upon a decision of a Division Bench of this Court in the case of Sobha Kumari Vs. State of Bihar & Ors.: 2015 (1) PLJR 603.

In our view, the girl having been sent to remand home by order of a Court of law which has also been tested in revision, it cannot be held that the detention is illegal so as to invoke the jurisdiction of this Court by issuance of a writ of habeas corpus, that too, at the behest of the petitioner who is the principal accused in the FIR.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

S.Pandey/-

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