

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1243 of 2017

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1. Dilip Mandal Son of Kadam Lal Mandal, R/o Village- Balua, P.S.-
Hasanganj, District- Katihar Petitioner

Versus

1. The State of Bihar, Through The Principal Secretary, Department of
Home, Government of Bihar Respondent

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Appearance :

For the Petitioner : Mr. Radha Mohan Singh, Adv.

For the Respondent : Mr. Sheo Shankar Prasad (Sc-8)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-08-2017

Heard the parties.

The petitioner is father of the victim, Priyanka Kumari. The petitioner lodged Hassanganj P.S. Case No. 8 of 2017 in the district of Katihar alleging therein that his minor daughter Priyanka Kumari, aged about 14 years was forcefully kidnapped by some unknown persons.

the victim-girl, in her statement under Section 164 of the Criminal Procedure Code, disclosed her aged as 14 years and stated that she had voluntarily left her house along with her lover and she does not want to go with her parents. The statement of the victim is at Annexure 2.

The learned Special Judge, Katihar, by the impugned order sent the victim to the Women's Correctional Home, Gaighat, Patna, considering the fact that the victim is a minor and she does not want to go with her parents.

The present writ application has been filed for quashing the order, dated 03.05.2017, passed in Hassanganj P.S. Case No. 8 of 2017.

The learned counsel for the petitioner has challenged the impugned order on the ground that there is a Juvenile Home at



Katihar where the victim should have been kept as she was a minor, therefore, the order that she should be kept at Women's Correctional Home, Gaighat, Patna, which is a place for adult women is not sustainable in law.

After hearing the parties, I do not find that the victim is at any in-secured place for women. Even if it is assumed that she is a juvenile, her statement under Section 164 of the Criminal Procedure Code reveals that she is in the age of adulation, therefore, it would not be safe to keep her along with juvenile boys at the Remand Home.

Therefore, I do not find any merit in this writ application. Accordingly, it stands dismissed.

(Birendra Kumar, J)

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