

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.835 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- GOPALGANJ

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Manisha Kumari daughter of Sri Raj Nath Parbat, Wife of Ajit Kumar Giri @ Ajit Kumar Parbat resident of Village- Malpura, P.O.- Jasauli, P.S.-Kateya, District- Gopalganj, (Bihar).

.... Petitioners

Versus

1. The State of Bihar, through Director General of Police, Bihar, Patna.
2. The Superintendent of Police, Gopalganj, Bihar.
3. The Deputy Superintendent of Police, Gopalganj, Bihar.
4. The Officer-in-Charge, Kateya Police Station, District- Gopalganj.
5. The Superintendent, Remand Home, Gopalganj.
6. Rukmi Devi @ Rukmini Devi Wife of Sri Raj Nath Parbat, resident of Village- Malpura, P.O.- Jasauli, P.S.-Kateya, District- Gopalganj, (Bihar).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. M.N.Parbat, Sr.Adv.
: Mr.Praveen Prabhakar, Adv.
For the Respondent/s : Mr. Apurva Kumar, A.C. to A.A.G.-4.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-11-2017

Heard learned counsel for the parties.

2. According to first information report of Kateya P.S.Case No. 127 of 2016 lodged by the mother of the petitioner, the petitioner had gone alongwith Saroja Devi and thereafter she did not return. Therefore, the informant suspected that the matter is of abduction for the purpose of murder. On recovery, the petitioner was sent to remand home and she is still in remand home.

3. The present writ application has been filed



for a direction to the respondents to release the petitioner from the remand home as she is a major and victim of the crime and not a juvenile in accordance with law. The petitioner produced Adar Card etc. in support of her date of birth which is as 01.01.1998 and she was aged about 19 years on the date of alleged occurrence. The petitioner has produced an affidavit sworn before Notary Public, Patna disclosing the fact that she has already married with Ajit Kumar Giri voluntarily. The petitioner further filed a petition before the Chief Judicial Magistrate, Gopalganj, that a false case was lodged by her parent. She wants to go in her matrimonial house. The medical report at Annexure-6 would reveal that the petitioner was between 18-19 years.

4. Learned counsel for the State-respondents submits that after investigation of the case, the police has submitted final form not sending up the named accused persons for trial.

5. Considering the entire facts and circumstances above, the respondents especially the respondent No.5, the Superintendent, Remand Home, Gopalganj is directed to release the petitioner immediately on receipt/production of a copy of this order.

6. Let a copy of this order be communicated to



the court below.

7. Accordingly, this writ application stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2017
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