

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.250 of 2017

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Vijay Kumar Manjhi, Son of Shit Manjhi, resident of Village-Yado Pipra,
Police Station Hathua, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Principal Secretary, Department of Home, Bihar, Patna
 3. The Director General of Police, Bihar, Patna
 4. The Superintendent of Police, Gopalganj
 5. The Station House Officer, Hathua, Gopalganj
 6. The Incharge, Remand Home, Patna
 7. Kailash Manjhi, S/o Late Jain Manjhi, R/o Village-Yado Pipra, P. S.
Hathua, District-Gopalganj.... Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay

For the Respondent/s : Mr. P.N.Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 15-03-2017

Heard learned counsel for the parties.

An order dated 01.09.2016, passed by learned Additional Chief Judicial Magistrate-Vth, Gopalganj in Hathua P.S. Case No. 160 of 2016, whereby he has refused to release the victim of alleged kidnapping, is under challenge in the present criminal revision application.

The petitioner claims to be the husband of the said victim, whom he had married in a temple. The petition, which was filed in the Court below leading to passing of the impugned order, dated 01.09.2016 was filed by father of the petitioner claiming to be the father-in-law of the victim.

The Court below has refused to release the said victim from *Remand Home* by the impugned order on the



ground that the victim is a minor.

Learned Counsel for the petitioner has submitted that the victim is not a minor and in any event, she has now become major. He has submitted that the Court below ought to have taken into account this aspect and allowed her to stay in her matrimonial home.

I do not find any illegality in the impugned order in view of the finding that the victim is a minor. Since in the opinion of the Court below, the victim is a minor, she could not have been released even on her own request to stay in her so called matrimonial home. Further, the person who had filed the application before the Court below claimed himself to be the father-in-law of the victim. The order passed by the Court below, in such circumstance, cannot be faulted with.

The said order does not suffer from any legal infirmity.

However, it goes without saying that a plea that the said victim has become major, can be raised before the Court below for passing appropriate orders for her release in accordance with law. I have not expressed any opinion on the said contentions.

This application stands disposed of.

ArunKumar/-

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(Chakradhari Sharan Singh, J)

