

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1050 of 2017

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Neha Kumari, Wife of Vikash Kumar, Daughter of Saroj Kumar,
Resident of Village-Badauna, Police Station-Vidyapati Nagar, District-
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Inspector General (Prison), Bihar.
2. The Superintendent, Children Care & Protection Home, Gai Ghat,
Patna City, Patna.
3. The Officer-In-Charge, Vidyapati Nagar, District-Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Respondent/s: Mr. Sheo Shankar Prasad, SC

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 12-07-2017

Heard parties.

The petitioner seeks release from the After Care
Home, Gaighat on the ground that she has now become major and,
as such, she cannot remain confined at Remand Home/After Care
Home against her will in a case in which she has been portrayed as
a victim and not as an accused.

It is stated that in her statement recorded under
Section 164 Cr.P.C. she has stated that she willingly married to one



Vikash Kumar and now she wants to live at her matrimonial house.

However, it is pointed out that she has been sent to Remand Home in view of earlier order which has been passed by the court below as on the basis of her matriculation certificate she was not found major on that date.

Accordingly, this Court would grant liberty to the petitioner for her release from Remand Home/After Care Home on the ground of becoming major. On such application being filed, a decision should be taken within a week thereafter by the court below keeping in view that a person who is not an accused in a case cannot be kept under confinement after attaining the age of majority.

With the aforesaid observation and direction, this application stands disposed of.

(Dr. Ravi Ranjan, J.)

(S. Kumar, J.)

Vikash/-

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