

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.405 of 2017

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Nitu Kumari @ Nitu Devi D/o Harindra Mahto, W/o Shyam Narayan
Paswan Resident of village - Pakaria, P.S. - Nautan (Jagdishpur), Distt. -
West Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Bettiah, West Champaran.
4. The Investigating Officer, Nautan (Jagdishpur) P.S. Case No. 346/2016
5. The Superintendent, Govt. Remand Home, Gaighat, Patna.
6. Harindra Mahto S/o Nathuni Mahto Resident of Village - Pakaria,
Dusadhpatti, P.S. - Nautan (Jagdishpur), Distt. - West Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Respondents : Mr. Ram Balak Mahto, AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

3 27-04-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

It is submitted on behalf of the petitioner that vide
order dated 24.12.2016 learned A.C.J.M., West Champaran,
Bettiah, has directed the petitioner to go along with her parents
and, in case, petitioner, who was the victim, shows her inability to
go with her parents, she would be sent to Remand Home, Gaighat,
Patna, till further order.

The age of the petitioner on the date of occurrence



was assessed as 17 years 9 months 12 days. Obviously, four months have elapsed since passing of that order and petitioner has admittedly attained the age of more than 18 years. Therefore, she is now major.

This writ petition is being disposed of with a direction to the petitioner to file an application for release of the petitioner before the A.C.J.M.-VI, West Champaran, Bettiah, who shall dispose of such petition immediately in accordance with law but not later than a week thereafter, as the petitioner has admittedly become major and as such she cannot be confined to Remand Home specially when she is not a child in conflict but herself is a victim.

Let the order be communicated immediately to the court concerned.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

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