

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.448 of 2016**

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

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Pintu Kumar @ Pintu Poddar son of Hari Lal Poddar, resident of Mohalla Maghi Colony Tatma Toli, P.S. K. Hat Sahayak, District- Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Bihar Patna
3. The Superintendent of Police, Purnea
4. The Deputy Superintendent of Police, Purnea
5. The Officer-in-Charge, K. Hat Sahayak, district- Purnea
6. Rani Kumari wife of Pintu Kumar @ Pintu Poddar D/o. Ashok Singh, resident of Mohalla Maghi Colony Tatma Toli, P.S. K. Hat Sahayak, Purnea
7. Ashok Singh son of late Dwarika Prasad Singh, R/o. Mohalla Maghi Colony Tatma Toli, P.S. K. Hat Sahayak, district- Purnea.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Respondent/s : Mr. Prem Ranjan Kumar, AC to AAG-IX

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 27-07-2017**

Heard learned counsel for the parties.

2. This writ application has been filed for issuance of direction to the respondent to release respondent No.6 Rani Kumari from the remand home in favour of the petitioner. Further prayer is to quash the order dated 22.03.2016 passed in K. Hat Police Station Case No.747 of 2015 by the learned Chief Judicial Magistrate, Purnea, whereby he has sent respondent No.6 Rani Kumari to the remand home. Prayer is on the ground that the petitioner has married with Rani Kumari voluntarily and the victim in her statement under Section 164 Cr.P.C. stated that she has voluntarily married with the



petitioner.

3. The impugned order passed by the learned Chief Judicial Magistrate, Purnea, reveals that in the school record the date of birth of the victim is recorded as 16.04.2001. In the circumstance, the learned Chief Judicial Magistrate, Purnea, has declared the victim as juvenile.

4. Nothing has been brought on the record to substantiate that the finding recorded by the learned Chief Judicial Magistrate, Purnea, is perverse or not sustainable in law.

5. In the circumstance, I do not find any merit in this writ application, as such it stands dismissed.

6. However, respondent No.6 Rani Kumari would be at liberty, on getting age of majority, to file a petition for her release at her sweet will and there is no reason that the Court-below would refuse the prayer of the victim even after attainment of her majority.

7. With the aforesaid observation, this application stands disposed of.

**(Birendra Kumar, J)**

Mkr./-

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