

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1347 of 2018

Arising Out of PS. Case No.-75 Year-2017 Thana- MAHESI District- Saharsa

Kajal Kumari

... .. Petitioner/s

Versus

The State of Bihar, through the Principal Secretary, Department of Home,
Govt. of Bihar, Patna & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate
		Mr. Neeraj Kumar, Advocate
For the Respondent/s	:	Mr. Prachi Pallavi, AC to AG.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 16-05-2018

Heard parties.

Admittedly, the petitioner has been kept in After Care Home after the order dated 25.05.2017 passed by the S.D.J.M, Saharsa (Annexure-4) on the ground that, according to registration number and admit card issued by the Bihar School Examination Board, she is merely 17 years old. However, the petitioner, in place of challenging the aforesaid order, has filed this writ application for issuance of writ in the nature of habeas corpus to release the petitioner.



In our view, that relief cannot be granted in the present case as the petitioner would have to challenge the order by which she has been kept at After Care Home.

It is apparent that the petitioner has desired to go with the alleged husband in place of her father.

In our view, there are two options which are available in law to the petitioner, i.e., either to challenge the aforesaid order dated 25.05.2017 or to file a fresh petition before the same court after attaining majority.

With this observation, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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