

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1311 of 2018

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Bittu Kumar @ Bittu Kamti, Son of Ganesh Kamti, resident of Village- Navtoliya Barneshwar, P.S. Barhara (Raghubansh Nagar), District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar, through Home Secretary, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Purnea.
3. The Superintendent of Police, Purnea.
4. The Superintendent, Remand Home Mahila Help Line, Purnea.
5. Kalawati Kumari, Daughter of Jay Jay Mandal, resident of Baruneshwar Navtoliya P.S. Barhara (Raghubansh Nagar) District Purnea.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Partha Sarthy (GA-4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 14-08-2018 The petitioner is aggrieved by the order dated 16.05.2017, passed by the learned Fast Track Court No.-II, Purnea in Sessions Trial No. 336 of 2016, arising out of Barhara (Raghubansh Nagar) P.S. Case No. 209 of 2015, whereby the prayer for the release of his wife/respondent No.



5, from the Remand Home has been rejected on the ground that some of the witnesses in the trial are yet to be examined.

The father of the wife of the petitioner had earlier lodged a case against some of the accused persons for kidnapping his daughter. When the petitioner's wife was recovered, she made a statement before the learned Magistrate under Section 164 of the Code of Criminal Procedure, 1973 that she is not desirous of going to her parents and that she has married the accused voluntarily and without any undue pressure upon her.

Be that as it may, since at that time, the wife of the petitioner/respondent No. 5 was a minor, she was sent to the remand home. After she attained majority, the aforesaid application was made, but the same has been rejected on a ground which is not acceptable to this Court. There is no necessity of keeping the wife of the petitioner/respondent No. 5 in the remand home after her attaining majority and that also when she is not an accused in the case. She is only a victim of the circumstances and, therefore, there is no justification of her being kept in the remand home till the time the witnesses are examined.

For the aforesaid reason, the order dated 16.05.2017 is set-aside.



The wife of the petitioner/respondent No. 5, above named, is directed to be released from the remand home on her furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Fast Track Court No.- II, Purnea, in connection with Sessions Trial No. 336 of 2016, arising out of Barhara (Raghubansh Nagar) P.S. Case No. 209 of 2015.

One of the bailors shall be the petitioner.

It is also made clear that since the marriage has taken place during the minority of the victim/respondent No. 5, the aforesaid order of release shall not be construed as any imprimatur of the Court towards the validity of the marriage.

(Ashutosh Kumar, J)

Praveen-II/-

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