

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.24 of 2019

Arising Out of PS. Case No.-202 Year-2018 Thana- SONBERSA District- Sitamarhi

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Sunita Devi Ram Babu Raut Vill-Rajwara Musaharniya, P.S-Sonbarasa, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Under Secretary Of State Of Bihar
2. The Director General of Police, Patna
3. The Inspector General of Police, Patna
4. The District Magistrate, Sitamarhi
5. The Superintendent of Police, Sitamarhi
6. The Sub-Divisional Police Officer, Sitamarhi
7. The Superintendent of Jail, Sitamarhi
8. The Officer-in-charge of Police Station-Sonbarasa, District-Sitamarhi
9. The Investigating Officer of Police Station Sonbarasa, District-Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Adv.
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-05-2019

Heard learned counsel for the petitioner.

We find from the records of the order dated 11th
December, 2018 has led to the detention the petitioner. Learned
counsel for the petitioner submits that this is an unlawful
detention.



Having perused the records, we find that if the petitioner is aggrieved by the detention order passed by the Magistrate, the petitioner has the remedy before the appropriate forum to challenge the same, but so long as the said order stands, it cannot be presumed that the detention is absolutely unlawful for the exercise of jurisdiction under Article 226 of the Constitution for the release of the petitioner.

This relief can be obtained by approaching the appropriate forum and, therefore, we are not inclined to entertain this petition, without prejudice the rights of the petitioner to seek remedy in accordance with law.

The application stands disposed of with the above observation.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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