

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.272 of 2019

Arising out of PS. Case No.-87 Year-2016 Thana- MARAUNA District- Supaul

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Mala Kumari @ Mala Devi, aged about 21 years, female, W/o Santosh Kumar Sah & Daughter of Nand Kishore Kamat, resident of village-Panchagachhiya, P.S-Marauna, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar, through the Home Secretary, Government of Bihar, Patna
2. The Superintendent of Police, Supaul
3. The Superintendent/Officer in-charge, Asha Kiran Home for Girls, Patliputra, Patna.
4. The S.H.O. of Marauna Police Station, District-Supaul
5. The Officer-in-charge of Marauna P.S. case No. 87/2016
6. Santosh Kumar Sah S/o Jhameli Sah village-Panchagachhiya, P.S-Marauna, District-Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Yadav, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 04-02-2019 Heard learned counsel for the petitioner.

The contention is that the victim Mala Kumari @ Mala Devi has attained the age of majority now and, therefore, she deserves to be released. Reliance is placed on the findings of the Medical Board that was conducted on 17th of June, 2017 while the victim was still in the Observation Home.

The question is about any proof of age which may clinchingly establish her age of majority and for that we are of the considered opinion that the Court concerned can proceed to



consider the issue of the age of the victim as also the grounds on which she can be released from the Remand Home as prayed for. It will, therefore, be open to the party concerned to move the appropriate application before the Court for an appropriate disposal in the matter keeping in view the aforesaid allegations. The allegation was that the victim was 13-14 years of age, whereas the Medical Board concluded that she was about 17 years of age.

We are not inclined to entertain this Habeas Corpus petition keeping in view the legal remedies already available in that regard. Consigned to the records.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

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