

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.466 of 2019

Arising out of PS. Case No.-252 Year-2017 Thana- MASHRAK District- Saran

RENU KUMARI, aged about 19 years, sex-female, Daughter of Chandradeep Sah, Wife of Balmu Manjhi @ Balam Manjhi R/o village- Nawada, P.S- Mashrak, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. The S.P. of Saran district.
3. The Officer in Charge of Mashrak Police Station, Saran
4. Bhagmani Kuwar, aged about 45 years, sex-female, Wife of Late Chandradip Sah R/o village- Nawada, P.O- Nawada, P.S- Mashrak, District- Saran
5. Balmu Manjhi @ Balam Manjhi, aged about 25 years, sex-male, Son of Sipahi Manjhi R/o village- Nawada, P.O- Nawada, P.S- Mashrak, District- Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate
		Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mrs. Prachi Pallavi, A.C. to A.G.

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-03-2019 Heard learned counsel for the petitioner.

2. This is yet another case filed praying for release of the victim on the ground that she is major and she has been wrongly confined.

3. The date of birth as recorded in the educational certificate is 15th of May, 2002. She had been sent to remand earlier in the Protection Home under the order of the competent



Magistrate dated 17th March,2018, against which a revision was filed being Cr. Revision No. 92 of 2018 that came to be dismissed by the 10th Additional District & Sessions Judge, Saran at Chapra.

4. Again an application was moved and the same has been rejected on 23rd January, 2019.

5. Learned counsel relying on the Division Bench judgment in the case of Sahebi Khatoon Vs. State of Bihar, decided on 23rd September, 2010 contends that this Habeas Corpus Petition deserves to be entertained, inasmuch as, the Magistrate has erroneously proceeded to treat the victim to be a minor and there being a direction by the Division Bench, the Magistrate ought to have abided by the same.

6. Having considered the submissions raised, we find that on the facts of the present case there is an educational certificate recording the date of birth as 15th May, 2002. In the said background, this will be a matter of evidence to find out as to whether her correct date of birth is recorded in the educational certificate or not and whether the petitioner is a minor or otherwise has attained majority. In this regard, appropriate forum for the petitioner would be to challenge the judicial orders already passed before the appropriate Court



having jurisdiction to entertain the same as this is not a clear case of unlawful detention.

7. Consequently, we are not inclined to entertain this petition without prejudice to the rights of the petitioner to approach the appropriate forum for the redressal of her grievance.

8. The writ petition is, accordingly, dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

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