

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1150 of 2019

Arising out of PS. Case No.-567 Year-2017 Thana- KOTWALI District- Patna

=====

GULABSA KHATOON @ GULBASA KHATOON, aged about 21 years,
Gender-F, D/o Md. Samim, Wife of Md. Ayub Resident of village – Kamla
Nehru Nagar, P.S.- Kotwali, Distt - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY, GOVT.
OF BIHAR, PATNA
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Station House Officer of Kotwali Police Station, Patna.
5. The Superintendent Rajye Uttar Rakshaya Grih, Gai - Ghat, Patna. Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-08-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

The contention raised is that the detenu is now



being unlawfully detained in the Remand Home, inasmuch as, according to the learned counsel, even if it is assumed that the age, as detected in the medical evidence before the Chief Judicial Magistrate when the order was passed on 1st November, 2017 is correct, then too, the petitioner has attained the age of majority.

From the records we find that the petitioner has put her signatures under the statement recorded under Section 164 Cr.P.C. where she has stated that she is 22 years of age. This statement was recorded on 28th October, 2017, whereafter a Medical Report was called for in which we find variations.

In order to ascertain the correct age of the petitioner, it would be appropriate that the evidence which is now being relied on or any other evidence which is available, should be made the basis seeking release of the petitioner from the Remand Home before the concerned Magistrate, as in the light of the facts stated hereinabove, this being a question of fact which requires to be determined by the concerned Court itself, we are not inclined to entertain this Habeas Corpus petition without prejudice to the rights of the petitioner or anybody on her behalf to move appropriate application for release before the appropriate Court. In the event such an application is filed, the



same shall be dealt with in accordance with law and disposed off expeditiously.

The writ petition is, accordingly, disposed of.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

U			
---	--	--	--

