

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1143 of 2019

Arising Out of PS. Case No.-66 Year-2018 Thana- JOGAPATTI District- West Champaran

RAJAN KUMAR @ RAJAN KUMAR YADAV @ RAJAN YADAV S/o Sri Chanar Yadav Resident of Ward no. 1, Chaumukha, P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna Bihar
3. The Superintendent of Police, West Champaran, Bettiah
4. The Senior Superintendent of Police, Patna
5. The SHO, Yogapatti Police Station, West Champaran
6. The Superintendent, Remand Home, Gaighat, Patna
7. Pushpa Kumar @ Pushpa Devi W/o Rajan Kumar, D/o Sri Shambhu Yadav Resident of Ward No. 1, Chaumukha, P.S.- Yogapatti, District- West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-08-2019 Heard learned counsel for the petitioner.

The petitioner contends that Pushpa Kumari @ Pushpa Devi, the alleged detinue is being detained in the remand home in spite of the fact that she has already attained the age of majority. The contention, therefore, rests on the presumption that Pushpa Kumari @ Pushpa Devi is a major and



her detention in the remand home is contrary to law for which support is sought from the statement made under Section 164 Cr.P.C. as well as the Addhar Card and other averments made in the petition.

The writ petition is silent on the issue as to whether Pushpa Kumari @ Pushpa Devi is educated or not so as to gather any information about her date of birth on the basis of educational qualification. These are all, therefore, questions of fact which have to be investigated. Therefore, the question of release of Pushpa Kumari @ Pushpa Devi can be entertained, that too even before the appropriate forum where it will be open to the concerned aggrieved party to move an application and, in case such an application is filed before the Competent Court, the same shall be dealt with in accordance with law.

The application stands rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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