

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1197 of 2019

Arising Out of PS. Case No.-134 Year-2018 Thana- HUSSAINGANJ District- Siwan

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MUNNI KUMARI W/o Subhas Kumar Yadav, D/o Chandeshwar Yadav
Resident of Village- Daroga Hata, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate- Cum- Collector, Siwan.
3. The Superintendent of Police, Siwan
4. Sri Chandeshwar Yadav S/o Late Mahangu Yadav Resident of Village- Daroga Hata, P.S.- Hussainganj, District- Siwan
5. Training- Cum- Rehabilitation Officer, Short Stay Home, Siwan Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. P.N. Sharma, AC to AG

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-08-2019 Having considered learned counsel for the applicant and the learned counsel for the State, we find that there is already an order of release passed by the learned 1st Additional Sessions Judge, Siwan vide order dated 31st of May, 2019.

The peculiar situation which has arisen after the said release order is that the direction is to hand over the applicant to her father whereas the applicant has expressed her desire to go with her stated husband on the ground that she has an apprehension and threat of her life if she is sent with her



father.

This, therefore, is not a case of unlawful detention, but a case of handing over custody to an appropriate person or according to the wishes of the detainee. This may require a re-consideration or modification of the order dated 31st May, 2019 by the same Court which has passed the order of release.

We are, therefore, not inclined to entertain this petition, without prejudice to the rights of the applicant to move an appropriate application in this regard and, in the event an appropriate application is filed, the concerned Court shall pass an appropriate order keeping in view the allegations contained in the application moved by the applicant filed as Annexure- 8 to the writ petition.

The application is disposed of.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

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