

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52610 of 2019

Arising Out of PS. Case No.-859 Year-2018 Thana- KHAGARIA District- Khagaria

RAKHI KUMARI @ REKHA KUMARI, wife of Gandhi Paswan and
Daughter of Munilal Singh, resident of village Jahangira, Police Station
Gangaur, District Khagaria Petitioner/s

Versus

1. The State of Bihar
2. Munilal Singh, Son of Late Asharfi Singh, resident of village Jahangira,
Police Station Gangaur, District Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Amrendra Kumar Singh, Advocate
Mr. Jai Shanker Prasad, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-12-2019 Registered notice has already been served on opposite
party no. 2 which is accepted as valid service.

Heard learned counsel for the parties.

By the impugned order dated 08.12.2018, passed in
Gangaur P.S. Case No. 859 of 2018, the learned Chief Judicial
Magistrate, Khagaria refused to release the petitioner from
Remand Home, who is victim of the crime, on the ground that
as per date of birth recorded in the school certificate, the
petitioner was aged about 16 years, 7 months and 2 days, on the
date of occurrence dated 29.11.2018. The petitioner was not
ready to go with her parent, as such, she was sent to the Remand
Home.

Learned counsel for the petitioner submits that the
matter is of love-affairs and the petitioner has already given



birth to a child in the Remand Home and for proper keeping of the child, she should be released from Remand Home.

As soon as the petitioner attains majority, the petitioner shall make prayer before the court below itself who shall pass necessary order according to law.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

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