

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.752 of 2021

Arising Out of PS. Case No.-506 Year-2018 Thana- SAKRA District- Muzaffarpur

Nandani Kumari Wife of Abhishek Kumar, resident of Village Ramnagar, P.S. Sakra and District - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police Bihar Patna.
2. Superintendent of Police Muzaffarpur.
3. Officer -in-Charge, Sakra Police Station and District - Muzaffarpur.
4. Superintendent, Balikagrih Begusarai PS and District, Begusarai.
5. Ravinath Jha Son of Shivkant Jha , resident of Village Ramnagar, P.S. Sakra and District - Muzaffarpur.

... .. Respondent

Appearance :

For the Petitioner : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 20-07-2021

Heard Mr. Diwakar Prasad Singh, learned counsel for the petitioner and Mr. Prabhu Narayan Sharma, learned Additional Public Prosecutor for the State via video conferencing.

2. The petitioner has filed the instant writ petition for issuance of a direction to the respondent to set the petitioner at liberty as her confinement in Balika Grih, Begusarai is illegal.

3. On query, learned counsel for the petitioner



submitted that the petitioner has been sent to Balika Grih, Begusarai pursuant to an order passed by the court of ACJM-XII, Muzaffarpur East. He submitted that the petitioner has filed an application before the court of ACJM-XII, Muzaffarpur (East) for her release on 14th of December, 2020 on the ground that she has completed the age of 18 years and, therefore, she be set at liberty to go to the place of her own choice. He submitted that since the date of filing of the application, the learned Magistrate has heard the counsel for the petitioner on several dates, but no order is being passed.

4. Mr. Prabhu Narayan Sharma, learned Additional Public Prosecutor for the State submitted that since the petitioner has been sent to Balika Grih pursuant to judicial order passed by the court of Magistrate in connection with Sakra P.S. Case No. 506 of 2018, an application under *habeas corpus* would not be maintainable.

5. Be that as it may, since the petitioner has confined her prayer for a direction to the court below to dispose of her application for release dated 14th of December, 2020 and is not pressing the *habeas corpus* writ petition, the application is disposed of with a direction to the learned ACJM-XII, Muzaffarpur (East) to hear the parties on the application filed by



the petitioner within two weeks from the date of receipt/production of a copy of this order. He is also directed to dispose of the application filed on behalf of the petitioner on merits positively within three weeks from today.

(Ashwani Kumar Singh, J)

(Arvind Srivastava, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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