

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.489 of 2022

Arising Out of PS. Case No.-96 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

Reema Kumari D/o Baliram Chaudhary, W/o Sabin Mian @ Sabin Ali R/o
village- Baniya Chhpar, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Home Department, Govt. of Bihar, Patna Bihar
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
3. THE DISTRICT MAGISTRATE, PATNA BIHAR
4. THE SUPERINTENDENT OF POLICE, GOPALGANJ BIHAR
5. THE SUPERINTENDENT OF NARI NIKETAN GAIGHAT, PATNA BIHAR
6. THE OFFICER IN CHARGE KUCHAI KOTE POLICE STATION, GOPALGANJ BIHAR
7. SABIN MIAN @ SABIR ALI S/o Late Dil Mohammad Mian @ Dil Mohammad R/o Village- Rampur Daud, P.S.- Kuchai Kote, District- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Respondent/s : Mr. Lalit Kishore (A.G.)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 24-06-2022 The writ petition under article 226 of the Constitution of India has been filed seeking a direction to respondent no. 5 to release her from Nari Niketan and allow her to live with respondent no. 7.

It transpires that under an order passed by the learned



A.C.J.M-VII, dated 23.04.2018 in Kuchaikote P.S. Case No. 96 of 2018, the petitioner was directed to be kept at Nari Niketan, Patna considering her age and the fact that she was not ready to live with her parents and instead she wanted to leave with private respondent No. 7 as husband and wife.

In the writ petition filed on 13.04.2022, age of the petitioner has been disclosed as 18 years. It is an admitted case of the petitioner thus that she was a minor as on the date when she was remanded to Nari Niketan for her safety and security.

It has transpired that in the said Kuchaikote P.S. Case No. 96 of 2018 which gave rise to Sessions Trial No. 390 of 2018 the respondent no. 7 has been held guilty of the offence punishable under Section 366A of the Indian Penal Code and has been sentenced to undergo imprisonment for seven years with fine. However, by a subsequent order dated 07.01.2022 respondent no. 7 has been allowed bail by this Court during the pendency of Cr. Appeal (SJ) No. 4760 of 2019 filed against the judgement of conviction and the order of sentenced passed by the Trial Court.

It is the petitioner's case that now since respondent no. 7 has been released on bail under the orders of this Court the petitioner may be directed to be released from Nari Niketan as



her further step in Nari Niketan is not going to serve any useful purpose.

Be that as it may, considering the circumstance that the petitioner was directed by learned A.C.J.M. to be kept in Nari Niketan, Patna till further orders, the writ petition seeking petitioner's release from Nari Niketan, under Article 226 of the Constitution of India appears to be misconceived. The petitioner could have approached the learned A.C.J.M.-VII for her release from Nari Niketan, Patna.

In such view of the matter, this application is disposed of with liberty to the petitioner to take such steps as may be available to her for her release from Nari Niketan , Patna in accordance with law as her stay in Nari Niketan Patna, in the facts and circumstance of the case as noted above, cannot be treated to be an illegal detention.

(Chakradhari Sharan Singh, J)

(Khatim Reza, J)

Gaurav Kumar/-

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