

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23240 of 2020

Arising Out of PS. Case No.-164 Year-2019 Thana- ADAPUR District- East Champaran

Pushpa Kumari D/o Dipendra Prasad Resident of Village - Kachorwa, P.S.-
Adapur, Distt - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jipendra Prasad Son of Late Mohan Lal Prasad Resident of Village -
Kachorwa, P.S.- Adapur, Distt - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For Opposite Party No. 2:		Mr. Abhishek Kumar, Advocate
		Ms. Rashmi Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

12 19-05-2022

Heard learned counsels for the parties.

In the present petition petitioner has sought for quashing the order dated 06.09.2019 passed by the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in Adapur P.S. Case No. 164 of 2019 whereby and whereunder the petition dated 04.09.2019 filed by the victim/petitioner has been rejected and she was remanded after Care Home Gayghat, Patna since then she is in remand home.

On 12.05.2022 following order was passed.

“Learned Additional Public Prosecutor is hereby directed to get an affidavit by the competent authority as to whether petitioner could be released from the remand care home, Gaighat, Patna or not? Such affidavit be filed before the next



date of hearing.

Re-list this matter on
19.05.2022.”

Superintendent State After Care Home, Gaighat,
Patna filed counter affidavit, in para 4 it is stated as under :

“That the petitioner has given
a letter to the SUPERINTENDENT
SATAE AFTER CARE HOME,
GAIGHAT, PATNA stating therein that I
am staying in the State After care Home,
Gaighat, Patna since 7.09.19. I wish to go
with my Parent Mother Rita Devi and
Father Dipendra Sah.”

In the light of medical board opinion dated
23.11.2019 petitioner cannot be retained in the State Care
Home, Gaighat, Patna. Therefore, Superintendent of After Care
Home, Gaighat, Patna is hereby directed to release the petitioner
from the care home after due following the procedure within a
period of one week from today.

(P. B. Bajanthri, J)

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