

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1213 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- CHARPOKHARI District- Bhojpur

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Ashok Singh Son of Brija Singh Resident of Village - Barhi, P.S.-
Charpokhari, Distt.- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Deptt., Bihar Patna. Bihar
2. the Principal Secretary Home Deptt. Govt. of Bihar, Patna. Bihar
3. The Superintendent of Police, Bhojpur. Bihar
4. The Superintendent of Mahila Remand Home K.G. Road, Dr. Rungta Gali, Arra, Bhojpur. Bihar
5. The Officer - Incharge, Charpokhari Police Station , Bhojpur. Bihar

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Hitesh Suman, Advocate
		Ms. Usha Kumari Singh, Advocate
For the Respondents	:	Mr. Bishwa Bibhuti Kumar Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 17-11-2022 The petitioner claims to be father-in-law of X (Identity of X is not being revealed in the present order). The brother of X had got registered a First Information Report giving rise to Charpokhari P.S. Case No. 172 of 2021 with the allegation that X was kidnapped by the petitioner's son for the purpose of marriage. It is the petitioner's case that statement of X has been recorded under Section 164 of the Code of Criminal



Procedure, wherein she has clarified that she was not kidnapped rather she had, out of her own volition, married the petitioner's son. It is also the petitioner's case that the medical report discloses the age of X to be between 17 to 18 years. Presently, X is staying in Mahila Remand Home, K.G. Road, Ara, Bhojpur. The petitioner, in the present writ application is seeking a direction for release of 'X' from her illegal detention in remand home.

The petitioner had approached the Court of learned Chief Judicial Magistrate, 1st Class, Bhojpur for release of X from the Remand Home which came to be rejected by an order dated 13.05.2022 on the ground that the date of birth, as recorded in the matriculation certificate, was 08.05.2005 and, therefore, she was under 18 years of age.

As the age of X is below 18 years, the petitioner cannot claim to be her father-in-law being legally married wife of his son and, therefore, cannot maintain this writ application.

This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Chandra Prakash Singh, J)

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