

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.254 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

Chandan Kumar, Son of Ramashray Chauhan @ Niteshwar Kumar, Resident
of Village - Motnaje, P.S. - Nawada Muffasil, District – Nawada.
... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Superintendent of Police, Nawada.
4. The Superintendent, Government Remand Home Gaighat, Patna.
5. The Deputy Superintendent of Police, Nawada.
6. The Assistant Sub-Inspector of Nawada Muffasil, Nawada.
7. Upendra Prasad Son of Late Kameshwar Prasad, Resident of Village -
Bharausa, P.S. - Nawada Muffasil, District – Nawada.
... .. Respondents.

Appearance :

For the Petitioner	:	Mr. Krishna Deo Raj, Advocate.
For the State	:	Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-03-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

- “(i) For the issuance of writ application of
Habeas Corpus, commanding to the
respondent Authorities to release the wife
(Sneha Kumari) of petitioner and handed
over to the petitioner from after care
home/Remand Home, Gaighat, Patna.
- (ii) For issuance of any other relief or reliefs
for which the petitioner is found entitled.”

2. Learned counsel for the respondents-State, on



instructions, submitted that corpus was recovered on 30th August 2023. The date of birth of the corpus being 13.11.2007 was subjected to recording of her statement under Section 164 of the Code of Criminal Procedure on 01.09.2023. Thereafter, corpus has been sent to Bal Kalyan Samiti, Nawada. Thereafter, charge-sheet was filed on 30th December, 2023 for the offences under Sections 4/6 of the POCSO Act and Sections 366/366-A/376/376(3) of the Indian Penal Code.

3. Accordingly, the present writ petition stands disposed of reserving liberty to the petitioner to resort appropriate remedy for the purpose of release from the custody of Bal Kalyan Samiti, Nawada.

4. Respondent No.3 is hereby directed to comply the previous order dated 13.03.2024 within two weeks.

5. Re-list this matter on 03.04.2024.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2024.
Transmission Date	22.03.2024.

