

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.773 of 2014**

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1. Anita Devi Daughter of Chadradeo Yadav, Wife of Vijay Yadav Resident of Village- Chhatni, Police Station- Neemchak Bathani, District- Gaya, at Present Address Pachrukhiya, Police Station- Khudaganj, District- Nalanda.  
 .... .... Petitioner

Versus

1. The State of Bihar  
 2. Chandradeo Yadav S/o Late Lakhan Yadav, Resident of Village- Chhatani, Police Station - Neemchak Bathani, District- Gaya.  
 3. Vijay Yadav S/o Shiv Balak Yadav, Resident of Village Pachrukhiya, Police Station- Khudaganj, district- Nalanda.  
 4. The District Magistrate, Gaya  
 5. The Superintendent of Police Gaya.  
 6. The Director (Nari Alpwas GrihTransit Remand Home for Women) Gaya.  
 .... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Kunwar Narayan Jamuar  
 For the Respondent/s : Mr. Rajendra Pd.Nat(App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**  
**ORAL ORDER**

5      08-01-2015              The petitioner is the daughter of the informant Chandradeo Yadav who lodged Nimchak Bathani P.S. Case No. 4/2013 under sections 366A/34 of the Indian Penal Code against accused Vijay Yadav, Dayanand Yadav and Suniya Devi for kidnapping her daughter.

The petitioner Anita Devi appeared before the learned Chief Judicial Magistrate, Gaya on 24.1.2013 and her statement was recorded under section 164 Cr.P.C. In her statement she stated that she is a major aged about 18-19 years and has married Vijay Yadav. She further stated that Vijay Yadav had not abducted her rather she married him on her own volition. On

her statement, the learned Chief Judicial Magistrate released her on P.R. bond. However, the informant filed another petition stating that the petitioner was minor, which was considered by learned Additional District & Sessions Judge-III, Gaya who by order dated 24.1.2013 sent her to Nari Alapwas Grih, Gaya.

It is relevant to state herein that the Medical Board earlier also assessed the age of the petitioner between 18-19 years. A compromise petition has been filed by the informant stating that misunderstanding between them has been removed. As per compromise petition, the petitioner was free to live with her husband Vijay Yadav.

Considering the facts and circumstances of the case and in view of compromise petition, petitioner would be released from Nari Alapwas Grih, Gaya forthwith. I find that continuance of criminal prosecution would not serve the interest of justice. In case the parties file a compromise petition before the trial court, the later would close the prosecution case.

In the result, this application is allowed.

**(Samarendra Pratap Singh, J)**

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