

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30736 of 2014

Arising Out of PS.Case No. -147 Year- 2013 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Nibha Kumari @ Nibha Devi Wife of Mintu Das, Dauther of Bisheshwar Das,
Resident of Village -Asli Pipra, P.S. Sahebganj, Dist-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent, Govt. Uttar Raksha Grih, Gaighat, Patna,
3. Mintu Das, son of Bhagirath Das, resident of village Lal Chapra, P.S.-
Keshariya, District- East Champaran, &
4. Bisheshwar Das, son of late Punit Das, resident of Pipra Ashli, P.S.-Sahebganj,
District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-04-2015

1. The Petitioner who is present seeks her release in Sahebganj
P.S. Case No.147 of 2013 which was refused by the Sub-Divisional
Judicial Magistrate, Muzaffarpur, vide order dated 20.07.2013.

2. Background facts of the case is that a case had been
instituted by the father of the Petitioner stating therein that she has been
kidnapped for the purpose of prostitution or human trafficking.

3. When she was recovered, she gave statement under
Section 164 Cr. P. C. that she had not been kidnapped and had married
the Opposite Party No.3 out of own sweet will.

4. On medical examination by the Medical Board on
18.07.2013, she was opined to be between 15-17 years of age.
Evidently, now she is major. She was summoned before this Court to
verify the credentials. She states that she has married the Opposite Party

No.3 and wants to live with him and his family has also accepted her.

5. Under such circumstances, the application is allowed and the Superintendent, Govt. Uttar Raksha Grih, Gaighat, Patna/ Extension Centre of Govt. Uttar Raksha Grih, Nazirath, Mokama, Patna, is directed to release the Petitioner as per the procedure and on undertaking of the Petitioner that she will appear before the Court concerned as and when summoned.

6. It is brought to the notice of this Court that now the case has been committed to the Court of Sessions vide Sessions Trial No.517 of 2014. The Court concerned is directed to examine the records of the case, statement of the girl recorded under Section 164 Cr. P.C. as also her medical examination report according to which now she is major and pass appropriate order on the point of Charge/discharge. If he decides to frame Charge, he shall summon the Petitioner as first witness in their interest and conclude the trial expeditiously without granting unnecessary adjournment to any party.

7. Let this order be communicated to the Superintendent, Govt. Uttar Raksha Grih, Gaighat, Patna, through FAX at the cost of the Petitioner.

(Anjana Prakash, J)

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