

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49063 of 2014

Arising Out of PS.Case No. -283 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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Nivedita Singh, Wife of Deepak Kumar Jha, Resident of Village - Anandipur, P.S.
Kahalgaon, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmveer, Adv.

For the State : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 20.9.2014 passed by the 2nd Additional District & Sessions Judge, Bhagalpur in Cr. Revision No. 194 of 2014 by which he has directed that the Petitioner be handed over to her parents.

The background fact is that Kahalgaon P.S. Case No. 283 of 2014 instituted for Petitioner's kidnapping. When she appeared before the Court, she gave a statement under Section 164 Cr. P.C. stating therein that she was 18 years of age and she had married the accused Deepak Kumar Jha out of her own sweet will. She further stated that she was being threatened by her parents and her brother-in-law. The Magistrate concerned directed to release the Petitioner to go

with her sister-in-law (Nanad). However, the said order was set aside by the Revisional Court.

It has been submitted that the Revisional Court has accepted that the Petitioner’s date of birth was 12.2.1997 according to which now, she is a major.

In such circumstances, evidently, the Petitioner is free to reside as to whenever she wishes without any force.

Hence, the application is allowed with the aforesaid observations.

(Anjana Prakash, J)

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