

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 1212 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Karan Raj @ Bittu, Son of Bedanand Yadav, Resident of Village- Khuthari, P.S. Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Gaya.
2. The Superintendent, Remand Home, Gaya.
3. Vimlesh Kumar, Son of Satyendra Kunwar, Resident of Village- Hiranand, P.S. Pirpainty, District- Bhagalpur.
4. Nikki Kumari, W/O Karan Raj @ Bitty, D/O Vimlesh Kumar, Resident of Village- Hiranand, P.S. Pirpainty, District- Bhagalpur. At present- Remand Home, Gaya.
5. The Sub Divisional Officer, Gaya.

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 06-12-2016

By this writ petition, petitioner sought release of his wife from illegal custody of Remand Home, Gaya.

A supplementary affidavit has been filed as directed by this Court earlier. It is alleged that the petitioner and respondent No 4 were neighbours. Having fell in love, they eloped. They got married. It is alleged that both are adults. We were not satisfied. We asked petitioner to bring on record matriculation certificate of respondent No 4 to ascertain her age. He has produced the same by way of supplementary affidavit which clearly shows that the girl is not yet 17



years old. Thus, the claim of marriage and being adult crumbles to the ground. If that be so then respondent No 4, being a minor, her guardian would be her parents as her marriage at this stage is not valid. Thus, if she has no place to go, she is being provided accommodation by the Remand Home at Gaya and looked after there. We cannot certainly order her released to the custody of the petitioner, her alleged husband which, as noticed above, the marriage is not valid.

However, before parting, we would observe that so long as respondent No 4 continues to be minor, either she stays in the Remand Home or she would be released to the custody of her parents and natural guardian. After she attains majority, she will be free to go where she wants.

With this observation, this writ petition stands disposed of.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

M.E.H./-

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