

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.531 of 2016

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

Deo Saran Mandal, son of Late Subai Mandal, resident of Amrita Apartment Ara
Garden Road, Jagdeo Path, P.S. Rupaspur, District Patna

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar
2. The Senior Superintendent of Police, Patna
3. Station House Officer, Rupaspur Police Station, District Patna
4. Sub-Registrar cum Special Marriage Officer, Danapur, Patna
5. Ms. Parmila, daughter of not known, Incharge Mahila Help Line, Indira Bhawan, Near Hartali More, Baily Road, Patna
6. Deepak Kumar, son of Late Prahlad Prasad, Resident of Mohalla Chandmari, P.S. Sahpur, District Patna
7. Bihar School Examination Board through its Chairman, Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner : Mr. Ansul, Advocate
Mr. Rampravesh Nath Tiwari, Advocate
For the State : Mr. Indradeo Prasad, SC-27
For the Board : Mr. Girijesh Kumar, Advocate
For Respondent 5 : Mr. Subhash Kumar Mishra, Advocate
For Respondent 6 : Mr. Sanju Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 05-09-2016

We have heard learned counsel for the petitioner
and learned counsel for the private respondent no. 6, who is said to
have eloped with the minor daughter of the petitioner.

There appears to be some controversy with
regard to age of the girl in question i.e. Puja Kumari. According to
petitioner, who is the father, based on a municipal certificate, obtained
more than 10 years back, her date of birth is 15.02.1999, according to



which she is a minor. There was a tenant in his house, who is a young driver, respondent no. 6. Allegedly, taking advantage of the tender age of Puja Kumari he was able to entice her away and even attempted to marry her, by making an application before the Registrar, Marriages at Danapur. The marriage has not been formally registered upon objection of the petitioner. According to the petitioner, the date of birth of the elder brother of Puja Kumari is of the year 1997. It cannot be then conceived that the date of birth of Puja Kumari, which turns out to be 04.11.1995, i.e. two years prior to the birth of the eldest child of the petitioner. According to the petitioner, this date of birth, which also appears in her matriculation certificate, was manipulated by respondent no. 6 who had been in company of the girl and virtually as an elder brother all along, while registering before Bihar School Examination Board, and kept it away from the knowledge of the petitioner. Now taking advantage of the situation he had sought to elope, she then landed up in so called protective custody of Women Helpline, even though this Court ordered her to be shifted to Nari Niketan, Gaighat, a Government place, from Mahila Helpline, which took over two months to shift her from Mahila Helpline to Nari Niketan. We do not know who was responsible for this. Considering the facts and circumstances and the date of birth of the girl to be 15.02.1999 as stated by the parents, we would order that till she

attains majority she will remain in Nari Niketan. She will not have any visitation rights except by or to her parents. The Superintendent, Nari Niketan would be well advised to follow these directions strictly. In case, the parents want to take the girl home and the girl is willing, the Superintendent would release the girl on a bond furnished by the parents with regard to well-being of the girl. Once the girl attains majority, as per the date noted above, she would be free to take her own decision.

Let the order of this Court be communicated to the Superintendent, Nari Niketan, Gaighat, Patna.

This application is, accordingly, disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

AFR/NAFR	NAFR
CAV DATE	
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