

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1991 of 2017

Arising Out of PS. Case No.-64 Year-2016 Thana- RAJAUN District- Banka

Puja Kumari, wife of Suraj Paswan, D/o Makeswar Mandal, resident of village, Tekani, Police Station, Rajoun, District, Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Banka
3. Superintendent of Police, Banka
4. Superintendent, Govt. After Care Home (Female) Faighat, Patna
5. Suraj Kumar @ Suraj Paswan, S/o Sitaram Paswan, R/o Village, Tekani, P.S. Rajoun, Distt. Banka
6. Makeswar Mandal, S/o Prasadi Mandal, R/o Village, Tekani, P.S. Rajoun, District, Banka

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 30-10-2017

Heard learned counsel for the petitioner and the State.

Petitioner, Puja Kumari has filed this application claiming herself to be major for grant of writ of habeas corpus commanding the respondent nos.2 to 4 to release her in favour of the respondent no.5 because he is legally wedded husband of the petitioner.

However, this is not the first time when the petitioner has approached this Court. First application filed by the petitioner was disposed of vide Annexure 2 series by this Court granting



liberty to her to file a proper petition before the court concerned itself for her release. Such application was filed by her and the same was again rejected by the A.D.J. I, Banka vide Annexure 1 finding her to be a minor and since the petitioner was not ready to go with her parents, she is being kept in After Care Home. It is claimed that the petitioner is a legal wife of respondent no.5 but there is no evidence on record to show that there has been legal marriage between the petitioner and the respondent no.5. Merely an affidavit having been sworn by the parties that they have married each other cannot be considered to be a proof of marriage in this proceeding.

In such a situation, no writ of habeas corpus can be issued in the present matter. However, the petitioner would be at liberty to assail the order as contained in Annexure 1 before a competent forum.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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