

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1277 of 2016

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Rupesh Kumar son of Kapildeo Mandal, resident of Village- Panpurwa, P.S. Barhat, District- Jamui.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Superintendent of Police, Jamui.
4. Kapildeo Ravidas son of Bishnudeo Ravidas, resident of Village- Purnadih, P.O. Matiya, P.S. Barhat, District Jamui.
5. Preeti Mala wife of Rupesh Kumar, resident of Panpurnwa, P.S. Barhat, District Jamui, daughter of Kapildeo Ravidas, resident of Village- Purnadih, P.O. Matiya, P.S. Barhat, Dist. Jamui

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Sinha, Advocate.
For the State	:	Mr. P.K. Verma, AAG-3 Mr. Saroj Kumar Sharma, AC to AAG3
For the Informant	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Anuj Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 27-02-2017

This is a writ petition by a person claiming to have have married to Preeti Mala (Respondent No. 5). It appears that a case had been instituted by respondent no. 4, Kapildeo Ravidas, father of Preeti Mala with regard to her alleged kidnapping, *inter alia*, by the petitioner. The girl was recovered and by this writ petition, petitioner seeks her release. We noticed the father, respondent no. 4 as well, who has appeared. We have earlier indicated that the father must go and talk to



the girl while she was kept in custody at Nari Niketan, Gai Ghat, Patna. The writ petitioner claims that she was major and as such could not have been kept in custody even at Nari Niketan against her wishes. In support thereof, a Matriculation Certificate of the girl has been brought on record which shows that her date of birth is 10.02.1999. If that is so then as of date she has attained majority. This date of birth is not disputed by the father. This Matriculation Certificate was issued on 5th June, 2014. We have no reason to disbelieve the same.

In that view of the matter, respondent no. 5 being a major and herself the alleged victim, she cannot be kept in custody against her wish. We would accordingly direct that the Superintendent of Nari Niketan would ask respondent no. 5 to give in writing in her presence as to where she wants to go and on basis whereof release her as also inform the trial court accordingly.

With these observations and directions, this writ petition stands disposed of.

(Navaniti Prasad Singh, J)

B.T/Ibrar

(Vikash Jain, J)

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