

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.394 of 2017

Arising Out of PS. Case No.-82 Year-2016 Thana- SONBERSA District- Saharsa

Rubana Praveen @ Rubana Pereewn Daughter of Late Suleman Wife of Sri Chandan Kumar Resident of Village- Rahimpur, P.S. Parwatta & District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police Bihar Patna.
2. Superintendent of Police, Saharsa.
3. Officer in-Charge, Sonbarsaraj Police Station & District- Saharsa.
4. Superintendent, Uttar Rasha Griha Gayghat, at Patna.
5. Md. Aftab Aalam, Son of Late Md. Suleman Resident of Sonbarsa Bajar Ward No. 12, PS- Sonbarsaraj, District Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Kumar Advocate
For the Respondent/s : Mr. P.K. Verma (AAG 3)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL)

10 11-08-2017 Pursuant to our order dated 21.07.2017, the Superintendent of After Care Home, Gayghat Patna has appeared along with the petitioner Rubana Praveen @ Rubana Pereewn. Chandan Kumar Choutala and his father are also present.

The Superintendent has produced the report dated 29.04.2017 issued from the office of the C.S.-cum- C.M.O. Patna with regard to the age assessment of the petitioner. Let it be kept on record. The doctor, on the basis of the Physical,



Dental and Radiological examination(s), found the writ petitioner between 17-18 years. The petitioner is carrying pregnancy. It has been informed to us by the petitioner as well as the Superintendent that she is carrying advance stage of pregnancy. The scheduled date of delivery is in the next month. On a query, the petitioner showed her reluctance to go with her brother instead she would like to continue in the After Care Home. She, however, stated before us that she may be permitted to go with Chandan Kumar Chautala @ Chandan Kumar with whom she has married. She expects her better care and safety in the company of Chandan Kumar Chautala @ Chandan Kumar .

An affidavit, affirmed by Chandan Kumar Chautala @ Chandan Kumar as well as his father Shankar Sharma has been filed. It is stated that Chandan Kumar Chautala @ Chandan Kumar is the father of the baby presently carried by the petitioner in her womb. He shall be taking proper care of the petitioner and the unborn child. The father of Chandan Kumar Chautala has also stated that he would take full care of the petitioner as she is his daughter-in-law.

As per the medical report and even on appearance, the petitioner appears to be a major. At least she has attained the



age of understanding where she can take decision. We also consider it conducive for the matrimonial life of the petitioner as she has married with Chandan Kumar Chautala.

Accordingly, the writ petitioner is permitted to leave the After Care Home with Chandan Kumar Chautala with whom she has married and is pregnant.

The writ application is disposed of .

(Kishore Kumar Mandal, J)

(Madhuresh Prasad, J)

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