

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15063 of 2018

Arising Out of PS. Case No.-56 Year-2017 Thana- MANPUR District- Nalanda

Shweta Kumari W/o Vikash Paswan, D/o Birendra Sharma Resident of
Village- Gongripar, P.S. Nanpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Birendra Sharma Son of Narresh Sharma Resident of Village- Gongripar, P.S. Nanpur, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh
For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 23-07-2018 The petitioner seeks her release from the Nari Niketan, Gaighat, Patna where she has been lodged by the order of the court below.

It appears that the father of the petitioner had filed a case regarding kidnapping/abduction of his daughter (the petitioner) at the instance of Vikash Paswan and his family members.

Learned counsel for the petitioner has submitted that the petitioner had married aforesaid Vikash Paswan of her own volition, after having attained the age of majority. Her age was wrongly stated by her father to deliberately show her as a minor. At the time when her 164 statement was recorded, she disclosed her age to be 19 years. The medical board has expressed an



opinion that the petitioner could be anywhere between 18-19 years and the aforesaid report was given in the year 2017.

Since the petitioner was not willing to go to her father, and the learned court below was of the view that she was still a minor, she was directed to be kept in Nari Niketan, Gaighat, Patna.

The petitioner made an application for her release before the learned Additional Chief Judicial Magistrate-7, Biharsharif, Nalanda which was rejected. The revision application which was preferred by the petitioner before the learned 3rd Additional District and Sessions Judge, Biharsharif in Criminal Rev. No. 475 of 2017 also stood rejected.

This Court had issued notice to opposite party no. 2/father of the petitioner but he has refused to accept the notice. As such, the present petition is being heard in his absence.

Learned counsel for the petitioner has brought on record the Aadhar Card of the petitioner which discloses her age to be twenty years. That apart, the petitioner herself, at the time of recording her statement under Section 164 Cr.P.C., had disclosed her age to be 19 years. This was quite in consonance with the opinion of the medical board also. The petitioner today is around



twenty years of age and wishes to join her husband.

This Court makes it very clear that no opinion has been expressed by this Court regarding the validity of the marriage of the petitioner with aforesaid Vikash Paswan.

However, considering the fact that the petitioner has attained majority, there is no justification of her being kept in the Nari Niketan, Gaighat, Patna. For the aforesaid reason, it is directed that the petitioner be released from the Nari Niketan on her furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with one surety of the like amount to the satisfaction of the learned 3rd Additional District and Sessions Judge, Biharsharif, Nalanda in connection with Manpur P.S. Case No. 56 of 2017.

One of the bailors shall be Vikash Paswan, with whom the petitioner has betrothed.

With the aforesaid observation/direction the petition is allowed.

(Ashutosh Kumar, J)

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