

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20137 of 2017

Arising Out of PS.Case No. -143 Year- 2016 Thana -SAHIYARA District- SITAMARHI

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1. Phool Kumari Devi, wife of Lalit Chowdary, resident of Village+P.O.+P.S.- Sahiyara, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kamlesh Paswan, son of Upendra Paswan, resident of Village+P.O.+P.S.- Sahiyara, District- Sitamarhi.
3. Usha Devi, wife of Upendra Paswan, resident of Village+P.O.+P.S.- Sahiyara, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Adv.

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-02-2018

Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is aggrieved by the order dated 08.03.2017 passed by the learned A.C.J.M., Sitamarhi in Sahiyara P.S.Case No. 143 of 2016 by which her daughter has been set at liberty to go to the place of her choice.

3. From perusal of the impugned order, I find that the learned Magistrate has released the alleged victim girl after taking into consideration the report of the Medical Board wherein her age was assessed between 16 and 18 years and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure



wherein she had expressed her desire to go to her *sasural* in the light of the decision of the Supreme Court in ***Jaimala Vs. Home Secretary, Government of Jammu & Kashmir [AIR 1982 SC 1297]*** and in the light of the order passed by this Court in ***Cr.W.J.C. No. 991 of 2010 (Sahebi Khatoon Vs. State of Bihar)***.

4. In view of the ratio laid down by the Supreme Court in the case of ***Jaimala Vs. Home Secretary, Government of Jammu & Kashmir*** (Supra) and ***Sahebi Khatoon Vs. State of Bihar*** (Supra), no illegality can be found with the order impugned passed by the learned Magistrate.

5. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
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