

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2260 of 2018

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Lalti Kumari wife of Sri Bechu Kumar and daughter of Sri Manju Sahani, resident of Village- Mali Tola Dumri, P.S.- Sugauli, District- East Champaran, At present Village- Shitalpur, P.S.- Sugauli, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar, through the District Magistrate, East Champaran at Motihari.
2. Rajiya Devi wife of Binod Sahni, resident of Village- Mali Tola Dumri, P.S.- Sugauli, District- East Champaran.
3. The Superintendent, After Care Home (Remand Home), Gaighat, P.S.- Alamganj, District- Patna.
4. Kaushal @ Bechu, son of Nagina Sahani
5. Nagina Sahani, son of Mukha Sahani, Both resident of village – Sheetalpur, P.S. – Sugauli, District – East Champaran.
6. The Station House Officer, Sugauli Police Station, District – East Champaran.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
		Mrs. Rashmi Jha, Advocate
For the Respondents	:	Mr. Partha Sarthi, G.A.-4
		Mr. Kumar Vikram, A.C. to G.A.4
		Mr. Apurva Kumar, A.C.. to G.A.4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5. 12-10-2018 Pursuant to the last order dated 11.10.2018, today an affidavit has been filed on behalf of the petitioner.

2. The affidavit has been sworn by one



Mangal Sahni, who is said to be the uncle-in-law of the petitioner and uncle of respondent no. 4. A copy of the mark-sheet and the age proof certificate of respondent no. 4 has been placed on the record.

3. The Superintendent of Remand Home, Gaighat, Patna has produced a paper from which it appears that on 28.03.2018, the petitioner was sent to Nalanda Medical College & Hospital (Gynecology Department), however the papers relating to her treatment even in the Nalanda Medical College & Hospital is not traceable in the office of the Remand Home.

4. It is submitted that despite search such medical papers could not be made available. One thing is apparent from the materials which have come before this court in form of statement of the petitioner in presence of the learned Advocates and the Superintendent of the Remand Home, Gaighat, Patna, admitting the fact that she was sent to Nalanda Medical College & Hospital, that the petitioner has suffered miscarriage during her stay in the Remand Home. This is not a happy situation. This court gives liberty to the petitioner to avail her



remedy and the reliefs for which she may be entitled to in the facts and circumstances.

5. So far as the present case is concerned, as discussed in the order dated 11.10.2018, as on 01.02.2018, the Medical Board had assessed her age in between 17-18 years. About nine months have gone thereafter, therefore it can be safely held that the petitioner is major and at this stage, when she has made a categorical statement in presence of the learned Advocates that she would go only with her husband namely, Kaushal @ Bechu (respondent no.4), and even the husband and his father have expressed their desire to keep the petitioner with them as legally wedded wife of Kaushal @ Bechu, this court does not find any reason to refrain from directing release of the petitioner from the Remand Home forthwith and to allow her to go with her husband namely, Kaushal @ Bechu and his father. Any further stay of the petitioner in the Remand Home is not required. She has already suffered miscarriage there.

6. The statement of Kaushal @ Bechu and his father made in presence of learned Advocates for



the parties yesterday in Chambers have been taken note of in the order dated 11.10.2018. They have in fact given a sort of undertaking that they would be taking care of the petitioner and shall keep her with full dignity and care.

7. The Opposite Party No. 2 has refused to receive notice by Dasti, the affidavit to the said effect is available on the record.

8. In the given facts and circumstance, this petitioner is at liberty to go along with the respondent no. 4 to live in her *Sasural*. Let Station House Officer, Sugauli Police Station is added as respondent no. 6 in the present case. He is represented by G.A.4. A copy of this order will be sent to the S.H.O. of the Sugauli Police Station within whose jurisdiction the respondent no. 4 and his family as also the family of this petitioner reside. The S.H.O. of the Police Station shall take care and provide such security as may be required to the petitioner, her husband and the family which may be required. The S.H.O. shall also take care of the circumstances and in case any untoward incident is reported by the family of the petitioner, the same shall be immediately attended to.



9. The Superintendent of the After Care Home (Remand Home), Gaighat, Patna will release the petitioner after respondent no. 4 and his father approach the Superintendent of the Remand Home at Gaighat. A formal acknowledgement from the parties shall be kept on the record by the Superintendent of the Remand Home showing that the petitioner has gone with respondent no. 4.

10. This application stands disposed off.

11. Let a true copy of this order be handed over to learned counsel for the petitioner and the Government Advocate no. 4 for acting on the basis of this order.

(Rajeev Ranjan Prasad, J)

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