

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.335 of 2018

Arising Out of PS. Case No.-657 Year-2017 Thana- AHIYAPUR District- Muzaffarpur

Raj Kumar @ Kinnu Rai Son of Lalbabu Rai,. Resident of Village- Katha,
P.S.- Mahsi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ram Biraj Sharma, S/o Late Lakhman Thakur, R/o Village- Kataha, P.S.-
Mehsi, District- East Champaran.
3. Jagdish Sharma, S/o Late Lakshman Thakur, R/o Village- Kataha, P.S.-
Mehsi, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar Singh
For the Respondent/s	:	Mr.Sri Umanath Mishra
For the Informant	:	Mr. Arun Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 29-03-2019

Heard the learned counsel for the petitioner, learned
counsel for the State as well as learned counsel appearing on
behalf of informant.

2. This criminal revision petition is directed against the
order dated 23.11.2017 passed in connection with Ahiyapur P.S.
Case No. 657 of 2017 instituted for the offences under Section
363, 366A/34 of IPC by which the learned Chief Judicial
Magistrate, Muzaffarpur has sent the victim Neha Kumari @
Sajan Kumari to the remand Home and refused to release her in
favour of petitioner as per the wish of victim treating her to be a



minor.

3. Informant Ram Biraj Sharma lodged a written complaint giving rise to Ahiyapur P.S. Case No. 657 of 2017 alleging therein that Neha Kumari @ Sajjan Kumari minor daughter of Jagdish Sharma was kidnapped by petitioner on 11.08.2017, however, FIR was instituted by the informant on 16.08.2017.

4. The victim girl was recovered and produced before the learned C.J.M., Muzaffarpur and she filed a petition dated 07.11.2017 stating therein that she has solemnized marriage with petitioner and she be released so that she could go to her matrimonial home. Another petition dated 03.11.2015 was filed by mother of victim in which it was stated that victim Neha Kumari is minor and being guardian of a minor daughter, victim be released in her favour as she is her lawful guardian. Victim Neha Kumari was personally present in the court and stated that she is major and she should be released on her personal bond as she wants to go to her matrimonial home with her father in law and emphatically denied to go to her parental home with her mother and father as she was tortured and assaulted and abused there. She has further stated that her parents had ousted her from the house three months earlier. On being asked by the



court victim denied to go with her parents and was not ready to live with them, accordingly the court found that the girl according to medical board report was between 16-17 years and was minor, as such, it was not proper to release victim on her personal bond and send her to remand home, Muzaffarpur till further orders.

5. The Medical Board was constituted in 2017 and it examined the victim on 07.11.2017 according to which the age of victim was 16-17 years and the matter being taken up today admittedly she has become major. The Superintendent of Remand Home was requested to produce the girl before this Court and she was produced on 13.03.2019 and she stated before the court that she has solemnized marriage with petitioner and wants to go with her husband and she wants to live in her matrimonial home with her in laws. This Court also finds the girl to be major and matured, as such, the Superintendent of Remand Home is directed to release the girl in favour of petitioner according to her wish and desire.

6. The order dated 23.11.2017 passed by Chief Judicial Magistrate, Muzaffarpur in Ahiyapur P.S. Case No. 657 of 2017 is set aside and Neha Kumari is directed to be released on her personal bond in favour of petitioner, treating her to be major.



7. The criminal revision petition is allowed to the extent as indicated above.

(S. Kumar, J)

aks/-

AFR/NAFR	NAFR
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