

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52930 of 2018

Arising Out of PS. Case No.-77 Year-2018 Thana- PARSA District- Saran

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Pawdharo Devi Wife of Balendra Sah, Resident of Village- Mithapur, P.S.-
Garkha, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kusum Devi Wife of Bali Ram Bhagat, Resident of Village- Vishunpura,
P.S.- Parsa, District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 25-09-2019 The petitioner had prayed for release of the minor girl, who is lying in the remand home. The prayer was refused initially by learned Additional Chief Judicial Magistrate, Chapra, on 22.05.2018 in Parsa P.S. Case No. 77 of 2018 and, thereafter, the revisional Court refused to interfere with that order on 20.07.2018 in Cr. Revision No.144 of 2018. The petitioner is mother-in-law of the victim girl and mother of the victim is informant of Parsa P.S. Case No.77 of 2018 registered under Section 366A/34 of the Indian Penal Code.

The allegation relates to kidnapping of the minor girl on 29.04.2018 by the named accused persons. In her statement under Section 164 Cr.P.C. the victim stated that she had love



affairs with Akhilesh Sah and she voluntarily married with Akhilesh Sah. The victim disclosed her age as 19 years and the learned Magistrate also assessed her age in between 18 to 19. Both the courts-below refused the prayer considering the date of birth of victim in AADHAR card and School Leaving Certificate. At both the places date of birth of victim is 15.10.2001. As such, the victim would complete the age of 18 years on 15.10.2019. Thereafter, the victim would be at liberty to go wherever she desires.

Hence, this application is disposed of at this stage with liberty to the victim girl to move before the Court-below for her release after attaining the age of 18 years and the learned Court-below shall pass necessary order according to law.

(Birendra Kumar, J)

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