

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76703 of 2019

Arising Out of PS. Case No.-15 Year-2017 Thana- JANKINAGAR District- Purnia

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Ajay Rishideo @ Ajay Kumar Son of Kailash Rishideo Resident of Village -
Beltari Mushahari Tola, P.S.- Jankinagar, Dist.- Purnea.

... .. Petitioner

Versus

1. The State of Bihar
2. Manohar Thakur Son of Harihar Thakur Resident of Village - Rupauli Goth,
P.O.- Shilanath Rupauli, P.S.- Jankinagar, Dist.- Purnea.
3. Nikki Kumari D/o Manohar Thakur, w/o Ajay Rishideo @ Ajay Kumar
Resident of Village - Rupauli Goth, P.O.- Shilanath Rupauli, P.S.-
Jankinagar, Dist.- Purnea.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr.Bhola Prasad with Mr. Indrajeet Kumar,
Advocates

For the Opposite Parties : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The instant petition under Section 482 of the Code of Criminal Procedure (for short ‘ the Code’) has been filed for quashing the order dated 07.08.2019 passed by Presiding Officer, Fast Track Court No.2, Purnea, in Sessions Trial No. 47 of 2018, arising out of Jankinagar P.S. Case No. 15 of 2017, by which he has rejected the petition filed by the petitioner for release of opposite party no.3 in his favour from the custody of her parents.

It is submitted by the petitioner’s counsel that the victim



is being confined by her parents against her will. It is submission of the counsel that the victim herself had given a informatory petition on 27.07.2017 regarding her forceful confinement at the hands of her parents. The victim is, in fact, married to the petitioner. Therefore, the petitioner prays that the order refusing custody of the victim is unsustainable.

The Trial Court, after considering the entire issues has passed the order dated 07.08.2019, which is impugned in the instant application. On 18.09.2017, the statement of the victim was recorded under Section 164 Cr. P. C., wherein, she has specifically stated that she was kidnapped by the petitioner. She has further stated that she wants to go with her parents. At the time, the deposition was recorded, the victim had already attained majority.

Considering the aforesaid circumstances, this Court would observe that the Court below has rightly not acceded to the request of the petitioner as the victim, being a major, has exercised her discretion in the Court and refused to go with the petitioner. The aforesaid circumstances are sufficient to conclude that the Court below has not committed any error in passing the impugned order dated 07.08.2019. No case is made out for exercise of jurisdiction under Section 482 of the Code.



The application is dismissed.

(Madhuresh Prasad, J)

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