

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.217 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- DARIYAPUR District- Saran

Karishma Kumari, Wife of Rohit Kumar, Resident of Village-Durihara Bhual,
P.S.-Dariyapur in the District of Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar Patna.
2. The Inspector General of Police, Muzaffarpur.
3. The Deputy Inspector General of Police, Saran.
4. The Senior Superintendent of Police, Saran at Chapra.
5. The S.H.O. Dariyapur, Saran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary, Advocate
For the Respondent/s : Mr.Iqbal Asif Niazi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2020 Petitioner has approached this Court seeking direction to the respondents to get her statement recorded under Section 164 Cr.P.C. before a learned Judicial Magistrate 1st Class, Saran in connection with Dariyapur P.S. Case No. 22 of 2020 registered by her mother under Sections 366/34 of the Indian Penal Code.

It appears that the mother of the petitioner has alleged that this petitioner has been forcibly taken away by the F.I.R. named accused persons.

This petitioner claims that she is adult, her date of birth is 20.03.2000 and being an adult she has chosen to marry



with one Rohit Kumar son of Subhash Rai. She has claimed that because of the inter-caste marriage she has performed on her own, her mother has lodged the police case and the sole intention behind it is to put the entire family members of the relative of the husband in trouble. She wants to appear before the learned Magistrate and make her statement in this case. At the same time she has also prayed for a direction to the police authority to provide her adequate protection.

Learned counsel for the State submits that if the petitioner is adult and is willing to appear before the learned Magistrate, she may be directed to appear before the Senior Superintendent of Police, Saran at Chapra on a particular date and respondent no. 4 may be directed to arrange for getting recorded the statement of the petitioner under Section 164 Cr.P.C. before the learned jurisdictional Magistrate. At the same time respondent no. 4 may assess the threat perception of the petitioner and if required he may consider providing adequate protection to her.

Having heard learned counsel for the petitioner and the State, in the given facts and circumstances of the case, this Court grants liberty to the petitioner to appear before the Senior Superintendent of Police, Saran at Chapra (respondent no. 4) on



3rd of March, 2020 at about 11.00 A.M. The Senior Superintendent of Police, Saran at Chapra (respondent no. 4) either of himself or through any of his officers must ensure that on the petitioner appearing in his office, the Investigating Officer of the case make an appropriate application in the court of learned jurisdictional Magistrate to get her statement recorded under Section 164 of the Cr.P.C. Respondent no. 4 shall also assess the threat perception of the petitioner and in case it is found that she requires some protection at this stage, adequate measures in that regard would be taken.

This being an issue raised by the petitioner herself, the Senior Superintendent of Police, Saran at Chapra shall supervise the case and submit a final report in accordance with law within a period of 90 days from the date of receipt/production of a copy of this order.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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