

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2944 of 2018

Arising Out of PS. Case No.-155 Year-2017 Thana- SIMRA District- West Champaran

Munna Sahani @ Munna, Son Sri Paspas Sahani, Resident of Village-Tadwalia, Tad Tola, P.S. Semara, Distt.-West Champaran

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, West Champaran
2. The Chairman, Child Welfare Committee, West Champaran at Bettiah
3. Munni Kumari, Wife of Sri Munna Sahni, D/o of Sri Hiranman Ram, Resident of Village-Tadwalia, Tad Tola, P.S. Semara, Distt.-West Champaran
4. Hiranman Ram, Son of Late Jagan Ram, Resident of Village-Tadwalia, Tad Tola, P.S. Semara, Distt.-West Champaran (Informant)

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sharad Kumar, Advocate
For the Respondent/s : Mr. Manishdhari Singh, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-02-2021 The petitioner in the present writ application is seeking quashing of the order dated 28.08.2018 passed by learned 1st Additional Sessions Judge, West Champaran at Bettiah in Tr. No. 74 of 2018 arising out of Semra P.S. Case No. 155 of 2017 dated 25.11.2017 registered under Sections 366-A/34 of the Indian Penal Code, and 3(1) (r) (w) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the petitioner's wife (Respondent No. 3) was given in custody of Child Welfare Committee, West Champaran at Bettiah.

Learned counsel for the petitioner submits that after statement recorded under Section 164 Cr. P.C., the victim (respondent no. 3) was produced before the 1st Additional Sessions



Judge, Bettiah and taking School Leaving Certificate into consideration, her age was assessed as 15 years, 4 months 7 days and finding her minor, she was given into custody of the Child Welfare Committee, West Champaran, Bettiah.

Learned counsel representing the State is present.

Having heard learned counsel for the State and upon finding that the victim girl is going to attain majority on 21.04.2021 only, this Court has no reason to interfere with the impugned order.

On completion of 18 years of age, the Child Welfare Committee, West Champaran at Bettiah shall record the statement of the victim girl and in case it is found that the victim girl wants to live with this petitioner, the Child Welfare Committee shall pass appropriate order taking note of the desire of the victim girl.

Learned counsel submits that the petitioner and the victim girl had married, this Court is again not required to go into the same in the present application.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

