

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.527 of 2021**

Arising Out of PS. Case No.-225 Year-2020 Thana- CHAKIA District- East Champaran

SIKAM KUMARI W/o Sri Subodh Kumar Resident of Village - Bahlolpur,
P.S.- Kalyanpur, Distt.- East Champaran, and D/o Sri jai Prakash Pandey
Resident of Village - Padari Harnath, P.S.- Chakiya, Dist.- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar, through the District Magistrate, East Champarn at Motihari.
2. The Superintendent, Nari Niketan (After care Home/Remand Home), Gaighat, P.S.-Alamganj, Dist.- Patna
3. Jai Prakawsh Pandey Son of Sri Baidyanath Pandey Resident of Village - Padari Harnath, P.S.- Chakiya, Distt.- East Champaran.
4. Subodh Kumar Son of Sri Ram Kishore Ram Resident of Village - Bahlolpur, P.S.- Kalyanpur, Dist.- East Champaran

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma,Advocate
For the State	:	Mr.Uday Shanker Pandey,AC to GA-7
For the respondent No.3	:	Mr.Madhurendra Kumar,Advocate
For the Respondent No. 4:	:	Mr. Manoj Kumar,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 03-08-2021 Heard Mr. Umesh Chandra Verma, learned counsel

for the petitioner, Mr. Uday Shanker Pandey, learned AC to GA-

7 for the State, Mr. Madhurendra Kumar, learned counsel for

respondent no. 3 and Mr. Manoj Kumar, learned counsel

representing respondent no. 4.

The petitioner in the present case is the daughter of

respondent no. 3. She is seeking setting aside of the order dated

10.07.2020 passed by learned Additional Chief Judicial

Magistrate, 13th Motihari, East Champaran in Chakiya P.S. Case

No. 225 of 2020 registered under Section 363/366-A/34 of the Indian Penal Code.

By the impugned order learned A.C.J.M. 13th, Motihari has held that the age of the victim girl (the petitioner) seems to be 15 years only, she does not want to go with her parents, therefore, she should be kept in Nari Niketan, Gaighat.

Mr. Verma, learned counsel representing the petitioner submits that in the impugned order learned A.C.J.M. says that on the basis of the educational certificate of the victim girl she seems to be 15 years old but learned Magistrate has not referred as to what kind of educational certificate he has perused. It is submitted, thus, that there is no basis for learned A.C.J.M. to record the age of the victim girl as 15 years.

It is his further submission that according to the medical examination report she has been found aged about 17-18 years, since one year has gone thereafter the petitioner should be taken as major and be released to live with respondent no. 4 whom she has married on her own will and volition.

Learned counsel for respondent no. 4 has supported the application.

Learned counsel for the State as well as learned counsel for respondent no. 3 has, however, opposed the prayer

of the petitioner. It is submitted on behalf of the respondent no. 3 who is the informant of the case and father of the petitioner that the victim girl was studying in matriculation and she had been registered for examination to be held by Bihar School Examination Board ('BSEB'). The age of the petitioner recorded in the registration certificate of the BSEB is 20.01.2005 and this fact cannot be denied by the petitioner. The date of birth registered with the BSEB Board shows that the petitioner is not more than 16 and half years as on today.

Learned counsel for the petitioner does not contest the age recorded in the registration certificate with the BSEB.

In the above view of the matter, this Court finds no illegality or infirmity with the impugned order.

This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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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'.