

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.992 of 2021

Arising Out of PS. Case No.-111 Year-2021 Thana- SONBERSA District- Sitamarhi

RAM BISHWAS RAM Son of Shital Ram Resident of Village Majhaura, P.S.
- Bela, Distt. - Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
HOME DEPTT., GOVT. OF BIHAR , PATNA
2. The Director General of Police, Patna.
3. The Inspector General of Police, Tirhut Division, Muzaffarpur.
4. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur.
5. The Superintendent of Police, Sitamarhi.
6. The SHO, Sonbarsa, P.S. - Sitamarhi.
7. Guddi Kumari Ram Pragash Ram R/O Village- Majhaura, P.S. Bela, District-
Sitamarhi, at present residing in North Shelter Home, Gaighat, Patna
8. Ram Pragash Ram Late Ram Chandra Ram R/O Rajbada, P.S. Sonbarsa,
District- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Abu Nasar, Advocate Mr. Vikash Kumar Jha, Advocate
For the Respondent/s	:	Mr.Md. Nasrul Huda Khan, SC 1 Ms. Babita Kumari AC to SC 1
For Res. No. 7	:	Mr. Tarique Shamim, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

13 07-07-2022 Heard Mr. Abu Nasar, learned counsel for the

petitioner, Mr. Md. Nasrul Huda Khan, learned Standing

Counsel-I for the State as also Mr. Tarique Shamim, learned

counsel representing respondent no. 7.

The informant-respondent no. 8 has though entered
appearance in this case and the name of his learned counsel is
printed in the cause list but neither on the previous day nor



today anybody has appeared on his behalf.

On 05.07.2022, this Court had directed the personal appearance of the petitioner, the husband of respondent no. 7 and respondent no. 7 as well.

The matter was mentioned yesterday by learned counsel for the petitioner to apprise this Court that the petitioner is presently at Mumbai and it would not be possible for him to reach Patna on the date fixed in the matter. This Court had therefore, directed learned counsel for the petitioner to come with the respondent no. 7.

Today, he is present with one Mr. Ram Kumar son of Sheetal Ram, Resident of village- Majhaura, Ward no. 14, Parihar, Majhaura, R. Bhanpur, Sitamarhi-843324. Mr. Abu Nasar, learned Advocate has identified him and submits that he has married with respondent no. 7. Respondent No. 7 is present with Ms. Neelam Kumari, the Incharge Superintendent of State Remand/Shelter Home from Gaighat, Patna.

In presence of learned counsel for the parties and the Incharge Superintendent of Remand/Shelter Home, this Court has interacted with respondent no. 7 and her husband. Both of them have stated that they have married with each other, they are adult and they want to live together. The husband of



respondent no. 7 has informed this Court that he is earning by doing tailoring in a limited company at Tripur in the State of Tamilnadu. He is presently residing there and will take respondent no. 7 who is his wife to his place of work where he will keep her with full dignity and care. He has also produced his Aadhar Card. He is more than 25 years age.

The respondent no. 7 has stated that she is major and even as per the medical examination report as on 27.04.2021 she was found between 18 to 19 years. Since then more than one year has gone, therefore, there is no dispute that she is major and is capable of taking her own decision. She is willing to go with her husband and live with him as his legally wedded wife.

Learned counsel for the petitioner as well as respondent no. 7 jointly submit that the respondent no. 7 be allowed to be released in order to go with her husband.

In the nature of the proceeding which has been conducted in presence of the learned Standing Counsel for the State, he has not raised any objection to such release. The Incharge, Superintendent of Remand/Shelter Home has also not raised any objection.

In the circumstances stated above, this Court sets aside the impugned order dated 02.07.2021 passed by the



learned Additional Sessions Judge VI-cum-Special Judge, Sitamarhi in Sonbarsa P.S. Case No. 111 of 2021 dated 24.04.2021 registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code and Section 8 of POCSO Act.

This Court directs that respondent no. 7 be released forthwith from the Remand/Shelter Home, Gaighat, Patna. She would be free to go with her husband.

This writ application stands disposed of 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'.

