

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.731 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- MOKAMAH District- Patna

Varsha Kumari, Wife of Saurabh Kumar, R/V and Post- More, PS- Mokama District- Patna

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary (Home), Police Department, Bihar, Patna.
2. The Director General of Police-Cum-Inspector General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Gramin, Patna.
5. The Officer-in-charge, Mokama P.S., Patna.
6. Sujit Kumar Son of Late Sarovar Paswan R/V- more, PS- Mokama, District- Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and Mr. Iqbal Asif Niazi, learned AC to GP-5 for the State.

2. The petitioner in the present case is seeking a writ in the nature of Mandamus commanding the State respondents to protect her life and liberty. She is apprehending threat to her life in the hand of her own family members for the reason that she has entered into a marriage with a boy of her choice and now she has got a baby also out of the said wedlock.

3. On the request of learned counsel for the petitioner, the petitioner has been allowed to appear in the Court and she is



accordingly present.

4. It is the case of the petitioner that she is major and has performed marriage with one Saurabh Kumar out of her own love and affection. She has at this stage got a baby also and both of them are living together. She states that she is living with her husband on her own will, however, her brother is not happy with the marriage and he along with the *gotiyas* are trying to kill her and her entire in-laws family members.

5. It is submitted that the petitioner has made a complaint in this regard vide application dated 18.07.2022 (Annexure '2' Series to the petition) and thereafter she is running from pillar to post but no action is being taken till date.

6. Having regard to the aforementioned facts and circumstances of the case, learned AC to GP-5 submits that appropriate direction may be issued to the Superintendent of Police (Rural) to look into the grievance of the petitioner, assess the threat perception to her life and the life of her husband and other in-laws family members and then take a remedial measure accordingly.

7. This Court has heard learned counsel for the petitioner, learned AC to GP-5 for the State and the petitioner in-person. It appears that earlier, the petitioner had gone missing



and her brother had lodged a first information report giving rise to Mokama P.S. Case No. 98 of 2022 dated 09.04.2022 under Section 366A/34 of the Indian Penal Code. In the said case, the petitioner was recovered and then she was produced before the learned Magistrate for her statement under Section 164 Cr.P.C. Her age, as recorded in the statement under Section 164 Cr.P.C. is 14 years only, however, she claims that she is major and for this purpose, she relies upon the date of birth entered in her Aadhar Card.

8. In the said case, the petitioner had allegedly supported the prosecution case and the named accused Manoj Paswan had been arrested and forwarded to judicial custody, thereafter, he was also charge-sheeted vide Charge Sheet No. 324/2022 under Sections 363, 365, 366A, 34 of the Indian Penal Code and Section 17/18 of the POCSO Act. It is stated that the proceeding under Section 107 Cr.P.C. has also been initiated and a non-FIR Case No. 32 of 2023 has been instituted. In connection with the said case, the Sub-Divisional Police Officer, Barh has issued progress report and directed the Investigating Officer to arrest the FIR named accused persons Saurabh Kumar and Raju Kumar.

9. It further appears that once again, the petitioner left



her house and joined Saurabh Kumar with whom she is presently residing with her baby.

10. In the totality of the circumstances, this Court is of the view that whatever be the case of the prosecution, since the petitioner is apprehending threat to her life, it is bounden duty of the State to protect her life and for this purpose, the State is required to follow the *principles of parens patriae*. This Court, accordingly, directs the Superintendent of Police (Rural), Patna to look into the grievance of the petitioner, find out the threat perception to her life, life of her husband and in-laws' family and if so required provide adequate protection to them. This will be without prejudice to the case which is pending consideration.

11. Let the petitioner appear before the Superintendent of Police (Rural) on 9th October, 2023 at 11:30 A.M. The Superintendent of Police (Rural) shall hear her and take appropriate action to protect her life.

12. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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