

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.423 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- SAHPUR District- Patna

Mala Kumari, D/o- Umesh Paswan, Resident of Village- Akaluchak P.S.-
Shahpur, District- Patna

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home (Police) Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The District Magistrate, Patna, District- Patna.
4. The Senior Superintendent of Police, Patna, District- Patna.
5. The Superintendent (Matron) After Balika Grih, Nishant, Gaighat Patna, District- Patna.
6. The SHO Shahpur P.S., District- Patna.
7. Umesh Paswan, Son of Late Basant Paswan, Resident of village- Akaluchak P.S.- Shahpur, District- Patna.
8. Neeraj Kumar, Son of Baijanath Ravidas, Resident of Village- Hardasbigha, P.S.- Khusrupur, District- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Sinha, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP
For the O.P. No. 8	:	Mr. Virendra Kumar, Advocate
For the O.P. No. 7	:	Mr. Pramod Kumar Chakravarti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 29-11-2023 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 7 and learned counsel for the opposite party no. 8 as also learned APP for the State.

2. The matter was taken up for consideration yesterday in Chambers. This Court passed the following order:-

“Matter has been taken up in chambers.

2. Learned counsel for the petitioner and Shri Ajay Kumar No.2, learned A.P.P. for the State together with the petitioner and the boy

namely, Neeraj Kumar, Son of Baijanath Ravidas with whom the petitioner is said to have married are present. Mr. Baijanath Ravidas, who is father of the boy, is also present in person. Ms. Swati Sanju, Superintendent, Balika Grih, Nishant, Gaighat, Patna is also present.

3. In course of interaction, it transpired that the petitioner is major. Her date of birth as recorded in her admit card of the Bihar School Examination Board is showing that she was student of D.A.V. High School, Danapur, Patna and she was a regular student of the school who had filled up the Class-X examination form from the said school. The petitioner submits that she has passed her matriculation examination but the certificate could not be made available to her because in the meantime, she had got involved in the present case and could not get an opportunity to obtain the certificate. Her date of birth recorded in the admit card of the Board is 04.03.2005, therefore admittedly she has attained eighteen years of age and is major.

4. The boy who claims that he is twenty one years of age is supported by his father and they jointly say that they would keep the petitioner with full dignity and care. The petitioner desires to go with the boy whom she claims to be her husband.

5. Learned counsel for the petitioner points out that in fact the present petition has been filed with an affidavit of the elder brother of

the petitioner, therefore it may be well understood that now even the informant side is not opposing this marriage and the willingness of the petitioner to live with her husband. This is perhaps the reason as to why the informant (father of the petitioner) has chosen not to appear in this Court.

6. Learned A.P.P. for the State submits that since the petitioner is major and in presence of the learned Advocates and the Superintendent of Balika Grih, Nishant, Gaighat, Patna she has expressed her willingness to go with her husband, there is no difficulty in releasing her.

7. In the facts and circumstances stated hereinabove, let the boy namely Neeraj Kumar be added as respondent no.8 in this case. He is present in person and submits that he is ready to file an affidavit that he would keep the petitioner as his legally wedded wife with full dignity and care.

8. List this case tomorrow i.e. 29th of November, 2023 at 2:15 pm under the heading 'For Orders'. The respondent no.8 is permitted to file his affidavit in Court tomorrow whereafter appropriate order shall be passed.

9. For the present, the petitioner shall go back to the Balika Grih, Nishant, Gaighat, Patna with the Superintendent and she will be produced tomorrow again at 2:15 pm.

10. List accordingly.”

3. Today, an affidavit with vakalatnama has been filed on behalf of opposite party no. 8. This is in form of an undertaking in which he has made a statement that the petitioner is his wife and he is ready to keep and maintain her with all social prestige and dignity and in this regard his family members are also ready to treat the petitioner with all dignity and care.

4. In an another development today, the informant who is father of the petitioner and opposite party no. 7 in this case has appeared through *vakalatnama*. Learned counsel for the opposite party no. 7 submits that since the petitioner has married to opposite party no. 8 and both of them are willing to live together as a legally wedded couple, he would have no objection to the same but his concern is that the opposite party no. 8 must keep the petitioner safely and with all dignity and care.

5. A copy of the affidavit filed on behalf of opposite party no. 8 has been served upon learned counsel for the opposite party no. 7 and he has gone through the same.

6. Having regard to the fact that the petitioner has attained majority, her marriage with the opposite party no. 8 is being admitted by all and at this stage, she wants to go with

opposite party no. 8, this Court directs the Superintendent, Balika Grih, Nishant, Gaighat, Patna to release the petitioner from the Balika Grih and allow her to live her life as per her choice.

7. In view of the above developments, the impugned order dated 19.04.2023 passed by learned Additional Sessions Judge, VI, Danapur in Sessions Trial No. 192 of 2023 arising out of Shahpur P.S. Case No. 290 of 2022 is hereby set aside.

8. This application is allowed.

9. The Superintendent, Balika Grih, Nishant, Gaighat Patna is present with the petitioner and since the petitioner has come prepared to go with the opposite party no. 8 who is also present, she has been released from the Court itself.

(Rajeev Ranjan Prasad, J)

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