

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55886 of 2021

Arising Out of PS. Case No.-58 Year-2019 Thana- SUPPI District- Sitamarhi

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Guriya Kumari, D/O Upendra Sahani, W/O Mukesh Mahto R/o village-
Narha, P.S.- Suppi, District- Sitamarhi, W/o Mukesh Mahto, R/o village-
Narha, P.S.- Suppi, District- Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. The Superintendent, Remand Home, Gaighat, Patna Bihar
3. Upendra Sahani S/o Bhola Sahani R/o village- Narha, P.S.- Suppi, District-
Sitamarhi
4. Mukesh Kumar S/o Dhanuki Mahto R/o village- Narha, P.S.- Suppi, District-
Sitamarhi

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 24-04-2023 This application has been filed for quashing of the

order order 26.07.2012 passed by learned Additional Judge, VI,

Sitamarhi, in Suppi P.S. Case No. 58 of 2019 by which the

Court below has rejected the prayer for release of the petitioner

in favour of her husband (opposite party no.4).

As per the F.I.R. allegation against the opposite

party no.4 is that he kidnapped the daughter of the informant for

illegal purposes.

The petitioner is the daughter of the informant, who

is admittedly a major. She has been produced by the

Superintendent, Remand Home, Gaighat, Patna. It has been



informed to this Court that parents of the petitioner has never visited the girl and because of non-visiting her, she is staying in Remand Home.

Today, the opposite party no.4 (Mukesh Kumar) is present in Court and submits that he got married with the petitioner.

The petitioner also supports this fact and submits that she wants to stay with the opposite party no.4 as husband and wife in his home i.e. village- Narha, P.S.-Suppi, District-Sitamarhi.

Considering the fact that the petitioner is a major, it is directed that the petitioner shall be allowed to go with Mukesh Kumar (opposite party no.4). Pursuant to this order, all the formalities of release of the petitioner shall be completed by the Superintendent, Remand Home, Gaighat, Patna.

The opposite party no.4 will report to the Station House Officer, Suppi Police Station, District- Sitamarhi that he has come with petitioner and they are staying with family. The opposite party no.4 will also provide the address on which he and petitioner will stay. The Station House Officer, Suppi Police Station will visit the house of opposite party no.4 occasionally and find out the well being of the petitioner.



The personal appearance of the Superintendent, Remand Home, Gaighat, Patna, is dispensed with.

With the aforesaid observations and directions, this application is allowed. Accordingly, the order dated 26.07.2012 passed by learned Additional District & Sessions Judge, VI, Sitamarhi, in Suppi P.S. Case NO. 58 of 2019 is hereby quashed.

Let a copy of this order be communicated to the Superintendent of Police, Sitmarhi, who in turn, will communicate the same to the Station House Officer, Suppi, District- Sitamarhi, for its compliance.

(Sandeep Kumar, J)

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