

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.529 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- DESARI District- Vaishali

DHEERAJ KUMAR JHA, Son of Manoj Kumar Jha, Resident of Village-Khoksa Bujurg, P.O.-Desari, P.S.-Desari, District-Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Vaishali. Bihar
2. The District Magistrate, Vaishali. Vaishali
3. The Superintendent of Police, Vaishali at Hajipur. Vaishali
4. The Officer-in-Charge, Desari Police Station, Vaishali. Vaishali
5. Sujit Kumar, Son of Late Chaturbhuj Rai Resident of Village-Rampur Kitchni, P.O.-Desari, P.S.-Desari, District-Vaishali (Hajipur)
6. Aaradhya Raj, wife of Dheeraj kumar Jha, Daughter of Sujit kumar, Resident of Village-Rampur Kitchni, P.O.-Desari, P.S.-Desari, District-Vaishali (Hajipur).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Prabhakar Thakur, Advocate Mr. Krishna Chandra Jha, Advocate
For Respondent No.5&6:	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Mr. Prabhu Narayan Singh, AC to A.G

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-03-2024

In the instant petition, petitioner has prayed for the following reliefs:-

"i. For direction to the respondents concerned to produce the Corpus of the respondent no.6 namely Aaradhya Raj who is legally wedded wife of the petitioner and is in the illegal



confinement of the respondent No.5 namely Sujit Kumar.

ii. For direction to the respondents concerned to facilitate the petitioner in meeting his legally wedded wife namely the respondent no.6 who is a major and is well competent to take her own decision.

iii. For direction to the respondents concerned including the respondent no.5 not to interfere in the marital life of the petitioner and respondent no.6 and the State Authorities be also directed to extend all the care and protection which is expected to be extended by the State being the "PARENS PATRIAE"

iv. For quashing the order dated 15.01.2024 passed by the Incharge Additional Chief Judicial Magistrate-IXth in connection with Desari P.S. Case No. 21 of 2024, whereby and whereunder, the custody of respondent no.6 being a major have been handed over to her parents (including the respondent no.5).

v. For direction to the respondents concerned to provide adequate security and protection to the petitioner and his family members from the repeated and constant threat given by the respondent no.5 and his associate on the pretext of marriage between the petitioner and the respondent no.6.

vi. The petitioner further prays for issuance of writ/writs, order/orders,



direction/directions for the following relief reliefs which he is entitled to in the fact and circumstances of the present case”.

2. Learned counsel for the petitioner submitted that petitioner and 6th Respondent married on 13.01.2024. It is undisputed that 6th Respondent is a major with reference to her date of birth is being 31.08.2003. Before their marriage, they developed love affairs and resulted in performance of marriage at Radha Krishna Mandir, Sonapur.

3. In this backdrop, father of 6th Respondent initiated Desari P.S. Case No. 21 of 2024 on 13.01.2024 at about 20.45 P.M. for the offences under Section 363, 366 and 34 of the Indian Penal Code against the petitioner. On 15.01.2024, Police Authorities produced 6th Respondent before the jurisdiction Magistrate for the purpose of recording statement under Section 164 Cr.P.C. in connection with Desari P.S. Case No. 21 of 2024. Her statement under Section 164 Cr.P.C. before the Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur was to the extent that she intends to join her parents. At the same time, on 09.02.2024 6th Respondent is stated to have sent a WhatsApp message to the petitioner insofar as inclination to join her husband – petitioner. In this backdrop the present petition is



presented.

4. Respective parties are present in camera proceeding at the request of the learned counsel for the respective parties.

5. We have posed questions to 6th Respondent whether she intends to join petitioner – Dheeraj Kumar Jha without any coercion. It was submitted that there is no coercion. On the other hand, there were certain duress in respect of giving statement under Section 164 Cr.P.C. to the extent that there were certain pressure from the parents and near relatives. Today, she has expressed, in the presence of her husband, father and in the presence of their respective counsels to the extent that she intends to join petitioner - Dheeraj Kumar Jha.

6. Taking note of these facts and circumstances, the petitioner – Dheeraj Kumar Jha, who is stated to be working at Gujrat in Sintex Dhagawala Company, Rajula, Amraili, District-Gujrat gives an undertaking to the extent that he will look after 6th Respondent – Aaradhya Raj (Wife) and her welfare from time to time. It is also submitted that he had source of income of about Rs. 25000/- (Rs. Twenty Five Thousand) per month. To the above effect he has given an undertaking, it would be placed before the Court Master during the course of the day.



7. The 6th Respondent-Aaradhya Raj is permitted to join Dheeraj Kumar Jha (Husband) during the course of the day. Parents shall not abuse or coerce 6th Respondent-Aaradhya Raj for taking the above decision to join her husband.

8. Police Authorities are hereby directed to give protection to them till their presence in the State of Bihar, since petitioner’s place of working is at Gujrat, they are likely to leave State of Bihar within a week.

9. With the above observations and directions, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Manish/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A
Uploading Date	01.04.2024
Transmission Date	N.A

