

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1005 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- SALIMPUR District- Patna

SANIYA PRAVEEN D/o Md. Soaiv Alam Resident of Village- Bihta, P.S.-
Salimpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Social Welfare Dept.
Govt. of Bihar, Patna. Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The Senior Superintndent of Police, Patna. Bihar
4. The Sub Divisional Police Officer, Barh Subdivision, District5- Patna. Bihar
5. The S.H.O. Salipur Police Station, Districct- Patna. Bihar
6. The Superintendent Women Protection Home, Gaighat, Patna. Bihar
7. Md. Soaiv Alam S/o Md. Anish Resident of Village- Bihta, P.S.- Salimpur,
District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun
For the Respondent/s : Mr.Pawan Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner.

2. At the time of alleged incident i.e. on 20.10.2021, the petitioner herein was minor. The father of the petitioner namely Md. Soaiv Alam lodged an FIR regarding missing of the daughter on 28.12.2021. On the basis of the said, offence under Sections 366A/379 of the Indian Penal Code a case has been registered against one Md. Aftab Sah.

3. During the course of investigation, the missing girl i.e. petitioner has been recovered. Her statement under Section



164 Cr.P.C. has also been recorded by the learned court below wherein she has stated that she has performed her marriage with the accused Md. Aftab and she further categorically stated that she wants to live with her husband. Since at that time she was below 18 years of age, therefore, considering the age of the petitioner, the learned Additional District Judge VI-cum-Special Judge, POCSO, Patna in Special (POCSO) Case No. 77/2022 passed the order on 30.12.2021 and directed the petitioner to be kept at Women Protection Home, Gaighat, Patna as she was below 18 years of age. Thereafter this petition has been preferred by the petitioner for seeking direction to the respondents to immediately release the petitioner from the Protection Home as she has attained majority and is already married to Md. Aftab Sah.

4. Perusal of the order dated 30.12.2021 passed by learned Additional District Judge VI-cum-Special Judge, POCSO, Patna shows that in the order itself the date of birth of the petitioner/applicant is mentioned as 04.03.2006, thus, it is clear that as of now, the petitioner is more than 18 years of age which has also not been disputed by learned counsel for the State.

5. Since as of now, the petitioner is more than 18



years of age and has stated in her statement recorded under Section 164 Cr.P.C. that she has married with Md. Aftab Sah and also wants to live with her husband, the respondents are directed to release the petitioner forthwith only on the ground that as of now, she has completed 18 years of age.

6. With the aforesaid observation, this petition is disposed of.

(Arvind Singh Chandel , J)

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