

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.655 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- KANHAULI District- Sitamarhi

Sudha Kumari D/o Shailendra Kumar Yadav, W/o Ramesh Kumar Ranjan R/o village - ward no. -8, Madhukarapur, P.S. - Kanhauli, Dist. - Sitamarhi, at present R/o village - Madhukarapur, P.S. -Kanhauli, Dist. - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the D.G.P., Bihar
2. The I.G. Tirhut Range, Muzaffarpur Bihar
3. The Senior Superintendent of Police, Sitamarhi Bihar
4. The Officer Incharge Kanhauli P.S., Sitamarhi Bihar
5. Shailendra Kumar Yadav S/o Ram Chandra Ray R/o vill - Madhukarapur, P.S.- Kanhauli, Distt.- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mobassar Ali, Advocate
For the State	:	Mr. Kumar Alok, SC-7
For Res. No.5	:	Mr. Abhineet, Advocate
		Mr. Dinesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 26-05-2025 The present criminal writ petition has been filed by the petitioner seeking police protection so that she can give her statement under Section 183 B.N.S.S., 2023 before Judicial Magistrate.

2. As per the petition, the petitioner is a major aged about 21 years and she has entered into solemnization of marriage with one Ramesh Kumar Ranjan out of her own volition. However, this marriage is not acceptable to her parents and hence, they are harassing her husband by lodging F.I.R.



Kanhauli P.S. Case No. 35 of 2025 for offences punishable under Sections 137(2), 96, 303(2) and 3(5) of BNS alleging that the petitioner has been kidnapped by her husband and his relatives whereas the fact is that she on her own, has left her parental house and solemnized her marriage with Ramesh Kumar Ranjan. It is further stated that she wants to give her statement before Judicial Magistrate to this effect but she has apprehension of threat to her life from her parents. Hence, she may be given police protection, so that she can give her statement before the Judicial Magistrate under Section 183 B.N.S.S., 2023.

3. Heard learned counsel for the petitioner, learned S.C. for the State and learned counsel for the respondent no.5.

4. Learned counsel for the petitioner submits that petitioner is a major and she has all right to take decision regarding her life and hence, she needs support from the State in her decision to marry a man of her choice, which is her fundamental right.

5. However, learned S.C. for the State has no objection. However, learned counsel for the respondent no.5 who is father of the petitioner submits that the petitioner is a minor and her consent for marriage is no consent and marriage



is illegal.

6. However by way of reply, learned counsel for the petitioner refers to the copy of the matriculation certificate of the petitioner filed on record, as per which, date of birth of the petitioner is 15.02.2004 and as such, she is about 21 years of age on the date of alleged occurrence i.e. on 25.02.2025.

7. After consideration of the submissions of the parties and perusal of the record, it appears that the petitioner is a major and she has fundamental right to take decision about her life. Even otherwise, she wants to give her statement under Section 183 B.N.S.S., 2023 before the Judicial Magistrate and irrespective of her age, she has right to give such statement before Judicial Magistrate. In view of apprehension of threat to her life from her parents who are not liking her marriage, the petitioner requires police protection.

8. Considering the aforesaid facts and circumstances, Superintendent of Police, Sitamarhi is directed to provide appropriate security to the petitioner as and when she goes to Civil Court, Sitamarhi to give her statement before Judicial Magistrate.

9. Accordingly, the present criminal writ petition stands disposed of.



10. Let a copy of this order be sent to the
Superintendent of Police, Sitamarhi for information and needful.

(Jitendra Kumar, J.)

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