

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1493 of 2025

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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Rohit Kumar S/O Guddu Shaw R/O Village- Kailuchak Masaurhi, Post and
P.S.- Masaurhi, District- Patna

... .. Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Home (Police) Dept., Govt. of Bihar, Patna
2. The Director General of Police, Patna Bihar
3. The District Magistrate, Patna
4. The Senior Superintendent of Police, Patna
5. The S.P. West, Patna
6. The Station House Officer of Masaurhi P.S.
7. Surendra Chourasiya S/O Not Known R/O Vill.- Basatpur, P.S.- Dighbara, Dist.- Saran.
8. Shilpa Kumari D/O Surendra Chourasiya presently residing at Vill.- Basatpur, P.S.- Dighbara, Dist.- Saran.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Anand, Advocate Mr. Bablu Kumar, Advocate Mr. Priya Ranjan, Advocate
For the Respondent/s	:	Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

7 24-07-2025 Pursuant to the order dated 22.07.2025, the Station House Officer (SHO), Dighwara Police Station has produced the corpus (respondent no.8). Smt. Anju Devi, who is wife of Surendra Chourasiya (respondent no. 7), is accompanying respondent no.8.

2. On behalf of the petitioner, Mr. Abhishek Anand, Mr. Priya Ranjan and Mr. Bablu Kumar, learned Advocates are present. Mr. Prabhu Narayan Sharma, learned A.C. to learned



Advocate General is present.

3. We initially interacted with the respondent no.8. Respondent no.8 has categorically stated that she is major, her correct date of birth is 06.11.2006, as per the school admission register though while filling up the examination form for the matriculation, her year of birth was shown as that of the year 2009 but her date of birth is 06.11.2006 only which may be found from the first school admission register.

4. The respondent no.8 has stated that while working together in the marriage events with the petitioner, she came in touch with him and over the period they decided to solemnise marriage and live together. On her own free will and volition, she had left her house and was living with the petitioner and even as the petitioner and respondent no.8 were preparing for getting their marriage registered in accordance with law, she was picked up by police in connection with Dighwara P.S. Case No. 126 of 2025 dated 14.04.2025 registered under Section 137(2)/96 of the Bharatiya Nyaya Sanhita (BNS). In this case, her mother had alleged that the petitioner of this case had kidnapped her and she is a minor.

5. The respondent no.8 has stated in presence of learned counsel that she has decided to live with the petitioner out of her own free will and volition and she wants to live with him. She has



desired to go with the petitioner.

6. We have also interacted with Smt. Anju Devi, who is mother of respondent no.8. In presence of learned counsel for the petitioner and learned A.C. to learned A.G. as also the SHO of Dighwara Police Station, she has stated that she is not giving consent for the marriage between the petitioner and respondent no. 8 because they belong to two different castes. She has stated in presence of all that, the respondent no. 8 was born in the month of November 2006, though her date of birth mentioned in the matriculation certificate is of the year 2009.

7. The mother of respondent no. 8 has lastly stated that if respondent no. 8 is willing to live with the petitioner and they want to live as husband and wife, she would have no objection but in future, the respondent no.8 or the petitioner and his family shall not maintain any relationship with her. She has also stated that she would not part with any personal belongings of the respondent no. 8 such as her clothes etc.

8. The mother of respondent no. 8 has repeatedly stated that the respondent no. 8 can go with the petitioner but she would have no relationship with her henceforth.

9. The petitioner is present with his parents. We have also interacted with the petitioner and his parents in presence of the learned Advocates. The petitioner has submitted that he was



living with respondent no. 8 and they had prepared a paper which is in form of an affidavit sworn before the Notary, Jahanabad wherein they have declared that they have married on 27.03.2025 in accordance with Hindu rites and customs. Copy of the notary affidavit is Annexure 'P/2' series. Learned counsel for the petitioner submits in presence of all that in fact, the petitioner wanted to get the marriage registered in accordance with law but before he could have done it, the police intervened and the respondent no. 8 was taken away.

10. The petitioner and his parents have given an undertaking to submit an affidavit within the working hours of this Court that they will keep the respondent no. 8 with full dignity, respect and care and shall also keep her safe and secure. The affidavit be submitted in course of the day. The same shall be taken on record.

11. Learned A.C. to learned A.G. has also interacted with the respondent no. 8 and her mother. Respondent no. 8 has stated that she was produced before the Magistrate, the Magistrate went by the matriculation certificate and there her mother did not disclose the correct fact that the respondent no. 8 was born in November, 2006 and because of this, she was advised to go with her mother otherwise she would have been sent to the shelter home. This being the situation, the respondent no. 8 has submitted



that she being major, which is also evident from Annexure 'P/1', which is the school identity card and bank passbook of the Bank of India, Dighwara Branch, that her date of birth is 06.11.2006.

12. Having regard to the entire discussions mentioned hereinabove, it has been found that the respondent no. 8 is major, even her mother has disclosed that she was born in November 2006. The respondent no. 8 is not ready to live with her as she has alleged that she is likely to be married with someone else and her mother has been consistently pressurising her for accepting her decision and she would not be safe with her.

13. In the totality of the circumstances, we are of the opinion that in the best interest of respondent no. 8 she should be allowed to go with the petitioner and his parents where she can live with the petitioner as per her own will and volition. We have recorded the undertaking of the petitioner and his parents. They would abide by their undertaking and shall ensure that the respondent no.8 is duly taken care of in their house with all dignity, support and care.

14. This writ application is allowed.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

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