

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1830 of 2025

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

Munna Kumar S/O Sunil Prasad R/O Village- Ekma, P.S- Ekma, Distt.- Saran,
Bihar.

... .. Petitioner

Versus

1. The State of Bihar through its Additional Chief Secretary, Home Department, Government of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna.
4. The Senior Superintendent of Police, Saran.
5. The District Magistrate, Chapara, Saran.
6. The Deputy Superintendent of Police, Chapra, Saran.
7. The Station House Officer (S.H.O.), Police Station Ekma, Distt.- Chapra (Saran).
8. Radha Kumari D/O Syandra Sharma, W/O Munna Kumar R/O Village- Ganjpar, P.S- Ekma, Dist.- Chapra (Saran).
9. Saytyendra Sharma Father of Radha Kumari R/O Village- Ganjpar, P.S- Ekma, Distt.- Chapra (Saran).

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Alok Ranjan, Advocate Mr. Siyaram Pandey, Advocate
For the State	:	Mr. P.N. Sharma, AC to A.G.
For the Resp No. 9	:	Mr. Ansul, Senior Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 06-08-2025
(10:30 AM)

We have heard learned counsel for the parties and
perused the report of the Superintendent of Police, Saran.

2. In view of the information made available to this
Court, we direct listing of this matter in Chambers at 03:30 PM.



The petitioner and the Respondent No. 9 both shall be present.
The Station House Officer, Ekma Police Station shall produce the corpus i.e. Respondent No. 8.

3. Let this order be communicated to the Station House Officer, Ekma Police Station by learned AC to AG.

Later on, at
3:30 PM

4. Pursuant to the aforementioned order, the corpus i.e. respondent no.8 has been produced by Mr. Uday Kumar, Station House Officer (S.H.O.) of Ekma Police Station. Mr. Satyendra Sharma (respondent no.9), who is the father of the corpus and the petitioner Munna Kumar are present in Chambers.

5. We have interacted with the petitioner, respondent no.8 and respondent no.9 in presence of their respective learned counsel, the Senior Counsel and learned A.C. to learned Advocate General of the State of Bihar.

6. Respondent no.8 has categorically stated that she on her free will and volition has performed marriage with the petitioner. Petitioner has also confirmed the same. It is their common stand that they want to live together, however, because they belong to two different caste, the father of respondent no.8 is not happy with this relationship and he had confined the



respondent no.8 in his house against her will.

7. In course of interaction with Mr. Satyendra Sharma (respondent no.9), who is the father of the corpus (respondent no.8), we have gathered an impression that he is not happy with this relationship between the petitioner and respondent no.8, however, keeping in view that both the parties are major and they can chose to live as per their choice, we are of the opinion that they are free to move ahead as per their own will.

8. Be that as it may, finding that the petitioner and respondent no.8 are major aged about thirty years and twenty seven years respectively and they want to live together, keeping in view the judgment of the Hon'ble Supreme Court in the case of **Shafin Jahan versus Asokan K.M. and Others** reported in **(2018) 16 SCC 368** and the Hon'ble Division Bench of this Court in **Based on the News Item Uploaded on the Website of News App Bar and Bench versus The State of Bihar and Others (CWJC No. 11689 of 2018)** reported in **2018 SCC OnLine Pat 1179**, we direct that the respondent no.8 shall not be kept confined. She is free to move as per her own choice. Since the petitioner and respondent no.8 have made repeated statements that they want to go together, we set the respondent no.8 free to accompany the petitioner.



9. The S.H.O., who is present in Chambers, shall ensure that the petitioner and respondent no.8 are taken and dropped at the place of their choice in the township of Chhapra. The S.H.O. has informed that since Chhapra Town is on way to Ekma Police Station, he will drop the petitioner and respondent no.8 at Chhapra.

10. The petitioner has assured that he and his family members including his parents shall take care of the respondent no.8 and will keep her with full dignity and care.

11. In case in future, the petitioner and respondent no.8 get any threat only on account of their living together, such threat perception shall be examined by the Superintendent of Police, Saran.

12. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Ajit Kumar, J)

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