

(2018) 10 PAT CK 0038

In the Patna High Court

Case No : Criminal Writ Jurisdiction Case No.2599 of 2018

Pragya Verma @APPELLANT@Hash State of Bihar

Date of Decision : 25-10-2018

Acts Referred:

Citation : (2018) 10 PAT CK 0038

Hon'ble Judges : Dr. Ravi Ranjan, J: Madhuresh Prasad, J

Bench : Division Bench

Advocate : Arvind Kumar Mouar, Harish Kumar, Raj Kishore Jha, P.N. Sharma, Naresh Prasad

Final Decision : Allowed

Judgement

We have heard parties. The girl has been produced before this Court from After Care Home, Gaighat, Patna. This writ petition has been filed on

behalf of the girl for her release. The girl is staying in After Care Home, Gaighat, Patna in view of the order dated 10.09.2018 passed by the Chief

Judicial Magistrate, Siwan in connection with G.B. Nagar P.S. Case No. 189 of 2018, as contained in Annexure-9.

It appears from the order dated 10.09.2018 that earlier she was staying at Alpahar Awas, Siwan and the girl had stated before the Court that she

wants to go with her mother-in-law, Pramila Devi as she has already married to Ravi Kumar whereas the father of the girl who is also informant in

the case has stated that the girl has been married with Ujjawal Kumar and, as such, she should be released in his favour.

The girl has stated that she knows Ravi Kumar from Class-VI and she developed friendship with him while she was studying in I.Com and they

started loving each other which infuriated her parents. In the month of October, 2017 she went to Ravi Kumar's House and stayed for three

months and had solemnized marriage with him.

When she came back to her parents's house she was being tortured and her marriage was fixed with her brother-in-law (Debar) Ujjawal Kumar.

She again came back to her parents's house on assurance being given but again she was tortured and forcibly her marriage was fixed with her

brother-in-law (Debar) Ujjawal Kumar.

She again went to Ravi Kumar's House on 15.06.2018 where she stayed for two months and now she is pregnant also. The Chief Judicial

Magistrate, Siwan, at the first instance directed her to be taken by her husband Ujjawal Kumar who claimed that she has been married with him,

however, subsequently, that order appears to have been recalled as she was not inclined to go with him, thus, she was sent to After Care Home,

Gaighat, Patna in view of her safety.

We have interacted with the girl. She has clearly stated that she has been married to Ravi Kumar and she has not been married with Ujjawal Kumar

rather her marriage was forcibly fixed and she wants to go her in-laws's house. Ujjawal Kumar is also present before us. He has produced an

album containing photos of his marriage with the girl. It would not be proper for us to go into this aspect of the matter and decide the case as to with

whom she was married and which marriage is valid. However, since the girl is admittedly major and she desires to go her matrimonial house, i.e., the

house of Ravi Kumar, in our view, her desire should be honoured and should be allowed to go the house of Ravi Kumar.

Accordingly, this writ petition stands disposed of with a direction that she should be allowed to go to the place of her desire under police protection

from the premises of the After Care Home after completion of all the formalities. The police party shall also consist of at least one lady constable. So

far the issue of marriage etc. is concerned, we have not expressed any opinion and the parties would be at liberty to raise their grievances before the

competent forum. Let a copy of this order be handed over to learned counsel for the State, Mr. P. N. Sharma, AC to AG for doing the needful.