

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1626 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- BITHAN District- Samastipur

Chandan Kumar Son of Late Pawan Yadav R/o Pusaho, P.s. - Bithan, Distt. -
Samastipur, Bihar

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department.
2. The District Magistrate, Samastipur, Bihar.
3. The Superintendent of Police, Samastipur, Bihar.
4. The Officer In Charge of Bithan Police Station, Samastipur, Bihar.
5. Arun Kumar Ray Son of Mahendra Ray R/o vill - Sakrohiya, P.S. - Bithan,
Dist. - Samastipur, Bihar
6. Raja Kumar Son of Arun Kumar Ray R/o vill - Sakrohiya, P.S. - Bithan,
Dist. - Samastipur, Bihar
7. Raju Kumar Son of Arun Kumar Ray R/o vill - Sakrohiya, P.S. - Bithan,
Dist. - Samastipur, Bihar
8. Rani Kumari Arun Kumar Ray C/o Anil Kumar, S/o Parmanand Mandal, R/o
Village Aura, PS-Hasanpur, District-Samastipur

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Piyush Kumar Pandey, Advocate
For the Respondents	:	Mr. P.K. Shahi, AG
		Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

Date : 08-11-2023

Heard, Mr. Piyush Kumar Pandey, learned counsel
appearing for the petitioner and Mr. Prabhu Narayan Sharma,
learned AC to AG.

2. This petition has been filed by the petitioner, who



is husband of the corpus-respondent No. 8, for issuance of writ of habeas corpus, and custody of the corpus-respondent No. 8 be handed over to the petitioner.

3. Learned counsel for the petitioner has referred to the averments made in the memo of petition and also referred the documents which are placed on record. After referring to the same, learned counsel for the petitioner has submitted that marriage of the petitioner is solemnized with the corpus-respondent No. 8, namely, Rani Kumari. Learned counsel has referred the certificate issued by the concerned priest of the temple.

4. It is further submitted that after the marriage, the petitioner and the corpus-respondent No. 8 stayed at Ludhiana for more than two and half months. Thereafter, when they came to know that father of the corpus-respondent No. 8 has lodged FIR against the petitioner, they voluntarily returned and the corpus-respondent No. 8 was produced before the police-Authorities. Thereafter, the corpus was produced before the learned Judicial Magistrate, Rosera. Learned Judicial Magistrate, Rosera recorded the statement of the corpus-respondent No. 8 under Section 164 of the Code of Criminal Procedure, 1973. The corpus-respondent No. 8 has stated before



the learned Judicial Magistrate, Rosera that she wants to go with the present petitioner, and therefore, she was allowed/permited to go with the petitioner.

5. At this stage, learned counsel for the petitioner has submitted that the parents of the corpus-respondent No. 8 has forcibly taken the custody of the corpus-respondent No. 8, and thereafter, filed a private complaint before the concerned Court, alleging that the petitioner and his relatives are demanding dowry from the corpus-respondent No. 8. It is submitted that the corpus has been illegally detained by her parents against her wish. She is not permitted to meet the petitioner. Petitioner has, therefore, filed the present petition.

6. On the other hand, learned counsel appearing for the respondent-Authorities has opposed this petition and referred to counter affidavit and documents annexed with the same. It is submitted that corpus-respondent No. 8 is not in illegal custody of her parents, as alleged by the petitioner.

7. It is pointed out that on the last occasion, this Court orally directed that the corpus-respondent No. 8 be produced before the Court, and therefore, today the corpus-respondent No. 8 is present.

8. This Court has interacted with the corpus-



respondent No.8, namely, Rani Kumari. She has stated that her age is twenty-two years. She has come with her father, who is a teacher in the concerned school. During course of interaction with the corpus-respondent No. 8, in presence of learned counsels appearing for the respondent - State, who are present in the Court, she has stated before us that she is not illegally detained by her parents as alleged by the petitioner, and in fact, she wants to go with her father and not with the petitioner.

9. In view of the statement made by the corpus-respondent No. 8, who is major, she is permitted to go with her father.

10. In view of the aforesaid facts and circumstances, we are not inclined to entertain the present petition.

11. Accordingly, the petition is dismissed.

(Vipul M. Pancholi, J)

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09-11-2023
Transmission Date	09-11-2023

