

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.434 of 2015

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Neelam Kumari W/o Chandra Mohan Singh, Resident of House No. 108,
Gandhi Path Vivekanand Marg, Boring Road Patna- 13, P.S.- Patliputra,
District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Govt. of Bihar, Old Secretariat, Patna-1
3. The Senior Superintendent of Police, North Gandhi Maidan, Patna-1
4. The Officer-in-Charge, Police Station- Patliputra, Patna- 13
5. Ajay Kumar Singh, Police Shahpur P.S., Danapur, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopesh Kumar

For the Respondent/s : Mr. Anjani Kumar (AAG-6)

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

And

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

3 21-05-2015 Learned Additional Advocate General No. 6 has

produced before this Court the husband of the petitioner, namely,

Chandra Mohan Singh who is alleged to have been kept in illegal

confinement by respondent no.5.

We have asked various questions from Chandra
Mohan Singh who gave his name as Chandra Mohan Prasad
stating that he has retired from service of Railways from Danapur
Division wherein he was working as Fitter Grade-I. He further
stated that his wife had died in the year 2011 and thereafter he
had married the petitioner who, according to him, is a divorcee



and has a son aged about 22 years and a daughter aged about 20 years from her first husband. He further stated that he also has one son and two daughters but unfortunately the son died about six months back leaving behind a widow and two children and accordingly, out of compassion for them, he has gone to live with them and take care of them. He has denied all the allegations made by the petitioner against his children and others.

Learned counsel for the petitioner, in the aforesaid circumstances, is unable to satisfy us as to how, when the alleged victim, the husband of the petitioner, himself states that he is not kept in any illegal confinement by any one, a petition for a writ of habeas corpus is maintainable.

We may, at this stage, mention the fact that the petitioner has behaved in a most unbecoming manner in the Court by raving, ranting and shouting on the said Chandra Mohan Prasad in the presence of the Court which undoubtedly amounts to a contempt in the face of the Court disturbing the proceedings of the Court and interfering with the administration of justice, but considering the fact that she is a lady and probably stressed out, we have not taken action against her.

In view of the statements made by said Chandra Mohan Prasad alias Chandra Mohan Singh, we do not find that

there is any scope for further proceeding with this application for habeas corpus.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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