

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.501 of 2015

=====

Niraj Samdarshi S/o Late Nageshwar Prasad Singh Resident of Village & P.O. Rana Bigha, P.S. Barh, District Patna, A/P, Quarter No. 3, Type-III, S.B.I. Colony, 6-Serpentine Road, P.S. Sachibalay, District Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. District Magistrate, Patna.
3. Senior Superintendent of Police, Patna.
4. Marriage Officer, Patna. null null
5. Arun Kumar Singh S/o Sri Devendra Singh
6. Maya Singh W/o Arun Kumar Singh Respondent No. 5 & 6 are Resident of Village Dharipur, P.O. Haraj, P.S. Awatarnagar, District Saran, A/P, Arun Kumar Singh (J.I.O.) J.D. Bangalore S.I.B. H-25, Infantry Road Bangalore (Karnataka) Pin - 560001.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the State : Mr. Prabhat Ranjan, AC to GP 12
For Respondents 5 & 6 : Mr. Sanjeev Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

3 03-08-2015 Heard learned counsel for the petitioner and learned counsels for the respondent Nos. 5 & 6 and for the State.

As directed by our order dated 3.7.2015 the respondent No.5 is personally present in Court along with his daughter Kumari Varsha, with respect to whom the petition for habeas corpus has been filed.

The petitioner has sought relief of habeas corpus as

against respondent Nos. 5 and 6, father and mother of Kumari Varsha stating that she should be rescued from their coercive custody as she has legally married the petitioner.

The stand of the petitioner is that he and Kumari Varsha solemnized court marriage in presence of three witnesses on 8.3.2014 after completing all the legal procedures of valid marriage. It is not stated anywhere that the conjugal life could be commenced rather it is submitted that respondent Nos. 5 and 6 are creating obstructions in commencement of conjugal life of the petitioner and they took away the wife of the petitioner with them coercively to Bangalore, as respondent No.5, who was serving in Subsidiary Intelligence Bureau (SIB) at Patna till November, 2014, got his service transferred to Bangalore on 30.11.2014 and was living there with his daughter Kumari Varsha.

We have personally interacted with Kumari Varsha in the Chambers and she is emphatic about the fact that she had under pressure entered into the court marriage with the petitioner but they never lived together and considering all aspects of the matter she does not want to live with him. It is further stated that she went to Bangalore and is staying there of her own free will without any force, coercion or threat of her parents because she wants to pursue her further education after completing her



graduation from Patna Women's College in the previous year and she is pursuing her B.Ed. in distant education course from Bangalore at Lord Krishna College, Gurgaon in the State of Haryana. She has further stated that she has no intention of going with the petitioner.

Learned counsel for the petitioner reiterates the statements made in the writ petition and submits that the said Kumari Varsha is acting under threat and pressure of her parents. He is, however, unable to support his stand on the basis anything on the record and the said allegation appears to be clearly unfounded in view of the statements made by Kumari Varsha herself. It is in fact evident that although court marriage under the Special Marriage Act had taken place between the petitioner and Kumari Varsha but no commencement of conjugal life had taken place between them and it appears that thereafter for whatever reason, Kumari Varsha does not want to continue her marriage with the petitioner for which it is stated by her that a divorce petition being M.C. No. 3320 of 2015 under Section 27 of the Special Marriage Act has been filed and the same is pending in the court of the Principal Family Judge at Bangalore.

On a consideration of the entire facts and circumstances, it cannot be said that the said Kumari Varsha has

been illegally detained by her parents or any other person and thus no case for issuance of a writ of habeas corpus arises in the present matter.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

spal/-

U			
---	--	--	--