

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.39 of 2015**

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Nitish Mishra

.... .... Petitioner

Versus

The State of Bihar & Ors

.... .... Respondents

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**Appearance :**

For the Petitioner : Shri Satish Chandra Jha, Advocate.

For the Respondents : Shri Ram Balak Mahto, Advocate General

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**CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA**

**and**

**HONOURABLE SHRI JUSTICE AMARESH KUMAR LAL**

**ORAL ORDER**

**(Per: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA)**

2 16-01-2015

Heard.

The grievance of the petitioner is that his wife left his house, while he was attending to his job, with his minor son Samir Kumar Mishra, a student of Pre-Nursery in Small Wonders School, Nageshwar Colony, Boring Road, Patna. It has further been stated that the lady walked out of her matrimonial house to go into the company of respondent no.6.

Submission was that if the lady was to walk out of the marriage, then she ought to have taken some legal recourses and on this ground, it was contended that the lady is under wrongful and illegal confinement of respondent no.6.

We do not find the submission fit to be upheld as the lady being married person could very well take her own decision and if it could be constituting some matrimonial offences or

ordinary criminal offence, the petitioner ought to take appropriate legal steps in that behalf. There are provisions in the Cr.P.C., like, Section 97 or in the Hindu Marriage Act in Section 9 to vent the grievance and get appropriate reliefs. The petition appears not maintainable and the same is dismissed as the lady does not appear to be under wrongful and illegal confinement.

The petitioner, if so advised, may take his legal recourse.

**(Dharnidhar Jha, J)**

B.Kr./-

**(Amaresh Kumar Lal, J)**

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