

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.666 of 2016

Shiv Kumari Devi

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Mr. Ram Balak Mahto, AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-10-2016

The order, dated 25.07.2016, has been passed by a Division Bench in this case. However, an error crept on account of the fact that the name of Hon'ble Chakradhari Sharan Singh, J., could not be mentioned in the said order.

Let the order, dated 25.07.2016, be treated to have been passed by the Division Bench consisting of Hon'ble the Chief Justice and Hon'ble Chakradhari Sharan Singh, and a fresh order is drawn as under:

“Heard Mr. Rajani Ranjan Prasad Singh, learned Counsel, appearing on behalf of the petitioner, and Mr. Vikas Kumar, learned Assistant Counsel to Advocate General, appearing on behalf of the State respondents.

The petitioner, who is the grand-mother of the minor children, namely, Law Kumar and Kush Kumar, has filed this writ petition, under Articles 226

and 227 of the Constitution of India, seeking issuance of a writ of habeas corpus, directing respondent No.4 to hand over the custody of the minor children, who are presently in the custody of their maternal grandmother.

Having regard to the fact that the person, presently holding the custody of the children, is the maternal grand-mother, we do not find that a writ of habeas corpus is the appropriate proceeding to be taken recourse to in a case of present nature.

In view of the above and in the interest of justice, Mr. Rajani Ranjan Prasad Singh, learned Counsel, appearing on behalf of the petitioner, seeks permission to withdraw this application with liberty to approach this Court with appropriate application, in future, if so advised, and also take recourse to such provisions of law as may be permissible.

In view of the above and in the interest of justice, the application is hereby disposed of as withdrawn with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised, and also take recourse to such provisions of law as may be permissible.”

(I.A. Ansari,CJ)

(Chakradhari Sharan Singh, J)

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