

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1320 of 2015

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Shiv Kumar son of Vishwanath Prasad, Resident of Jai Prakash Nagar, P.S. Jakkampur, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. The Senior Superintendent of Police, Patna
4. The Deputy Superintendent of Police, Sadar, Patna
5. The Officer-in-Charge of Jakkampur Police Station, Dist. Patna
6. Divya Kumari, D/o Ram Prasad Ram, Resident of C/o Arun Kumar Gupta, Matri Chhaya Sadan near Burdwan besides of Durga Mandir Mithapur, P.S. Jakkampur, District- Patna
7. Ram Prasad Ram, son of not known to the petitioner, Resident of C/o Arun Kumar Gupta, Matri Chhaya Sadan near Burdwan besides of Durga Mandir Mithapur, P.S. Jakkampur, District- Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. S. K. Thakur, Advocate
For the Respondent Nos. 1 -5: Mr. P. N. Sharma, AC to AG
For the Respondent No. 6: Ms. G. Nisha, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 21-01-2016 By filing this application, under Article 226 of the Constitution of India, the petitioner, claiming to be husband of the respondent No.6, namely, Divya Kumari, has sought for issuance of a writ, in the nature of *habeas corpus*, commanding the respondent No. 7, namely, Ram Prasad Gupta, who has allegedly kept respondent No. 6 in confinement, to produce respondent No.6 before this Court and direct her release so that she can go with the petitioner as her husband.

Heard Mr. Surendra Kishore Thakur, learned Counsel, appearing for the petitioner, and Mr. Prabhu Narayan Sharma, learned Assistant Counsel to Advocate General, appearing for the respondent Nos. 1 to 5. Heard also Ms. G. Nisha, learned Counsel, appearing for the respondent No.6.

By filing her counter affidavit, respondent No. 6 has submitted to the effect, *inter alia*, that the respondent No.6 was persuaded to come to temple by the petitioner and when the respondent No.6, under the impression that there was picnic organized by her friends, reached the temple, she found that the petitioner was alone at the temple and, upon query made by the respondent No.6 from the petitioner, she came to learn that the petitioner had called her (respondent No.6) with intention to marry her and though the petitioner tried to persuade respondent No.6 to marry the petitioner, the respondent No.6 refused and, on her refusal, the petitioner intimidated and threatened her by saying that if she did not marry him, he would harm the members of her family and, then, the petitioner forcibly put vermilion on the respondent No.6's head and though she (respondent No.6) tried to call, on her mobile phone, someone for help, the petitioner snatched away her phone. It is in the affidavit of respondent No.6 that she, somehow, managed to come home and

informed her parents about the incident, whereafter the matter was taken up with the parents of the petitioner and, ultimately, even to the Mahila Thana, where the mother of the petitioner and respondent No.6 entered into a compromise and a bond to that effect was also executed and respondent No. 6 is, therefore, not ready to live with the petitioner as his wife.

In view of what has been submitted by respondent No.6, the petitioner, now, seeks to withdraw this writ petition. We are of the view that allowing the petitioner to withdraw this writ petition would not be in the interest of justice and, therefore, in the facts and the attending circumstances of this case, we dismiss, with costs, this writ petition, and caution the petitioner to be careful in future.

The cost is quantified at Rs.25,000/- to be paid to the respondent No.6.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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