

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1291 of 2016

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Ranjit Kumar Sharma @ Ranjit Sharma, Son of Rama Shankar Sharma,
Resident of Village-Satjora, P.O.-Satjora, P.S.-Daraunda, District-Siwan.

.... Petitioner.

Versus

1. The State of Bihar through the Secretary Home Police Department,
Government of Bihar, Patna.
 2. The Director, General of Police, Bihar Patna.
 3. The Superintendent of Police, Siwan.
 4. The Superintendent of Police , Chapra, Saran.
 5. The Office in-charge Daraunda, P.S. Siwan.
 6. Officer-In-Charge, Bhagwan Bazar Police Station, District Saran.
 7. Raj Kishore Upadhyay Son of Late Ramprवेश Upadhyay, resident of
Bhikhabandha, P.S.- Daraunda, District-Siwan. Respondents.
- =====

Appearance :

For the Petitioner : Mr. Ranjeet Kumar, Advocate.

For Respondent No.7 : Mr. Umesh Kumar Mishra, Advocate.

For the State : Mr. P.N. Sharma, AC to AG.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

04 11-01-2017

This application in the nature of Habeas Corpus has
been filed by the petitioner claiming custody of one Akriti
Kumari, the daughter of respondent no.7. He claims that they
were in love. She is an adult of 22 years of age and he is also an



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adult. They decided to marry. They married in a temple on or about 07.07.2016. She was living with her parents to complete her examination and after taking examination in one paper, she left with the petitioner.

It is alleged that she also filed a case before the Family Court, Siwan for restitution of conjugal rights, alleging that after marriage the petitioner had abandoned her. However, from the counter affidavit, it appears that on 27.10.2016, the father, respondent no.7 filed a 'Sanha' with the police at Chapra stating that his girl has been missing since 24th October but it was not an F.I.R. Subsequently, on 01.11.2016 respondent no.7 lodged a formal case, being Bhagwan Bazar (Chapra) P.S. Case No.317 of 2016, alleging that the petitioner and some others had kidnapped his daughter. Curiously, on the same very day, the girl also turned up at the same police station and her custody was taken by her parents. It is under these circumstances, petitioner has moved for her release.

Upon hearing, we had issued notice to respondent no.7, the father of the girl, who has filed a counter affidavit. After hearing learned counsels for both the sides in Court, we moved the proceeding to Chambers. We talked to the girl and the boy independently. We talked to the father of the girl and then we



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talked to the girl and the boy together. We would not like to comment upon all that happened. Suffice it to say that the girl is an adult and she does not wish to go with the petitioner (boy) or have any relationship with him, in that view of the matter, to us, this Habeas Corpus application is not maintainable. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Vikash Jain, J.)

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