

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.795 of 2017

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Vinit Kumar, Son of Sri Dev Kant Prasad, Resident of Mohalla- BH Colony,
Sector- 7, Flat No. 48, Block- No. 5, P.S. Agam Kuan, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar, through the Home Secretary.
2. The Superintendent of Police, Patna.
3. The Station House Officer, Sultanganj Police Station, Patna-4.
4. Sri Suraj Ram, Son of Baban Ram.
5. Smt. Rubbi Devi, Wife of Sri Suraj Ram, Both Resident of Mohalla Sumati Path, Ranighat, Mahandru Patna- 4.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dudh Nath Singh, Advocate
For the State	:	Mr. PARTHA SARTHY (GA-4)
		Mr. Utasav Kumar, AC to GA-4
For the Prvt.Respondents :		Mr. Sushil Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 07-08-2017

Heard parties.

This application has been filed by the petitioner for issuance of writ of habeas corpus directing the respondent no.4 to produce his wife, i.e., respondent no.5.

The respondent no.4 has appeared and has filed counter affidavit stating that though the respondent no.5 was married to the petitioner but, thereafter, she eloped with one Rocky Kumar and perhaps they have married each other also.



The respondent State authorities has filed a counter affidavit today appending inquiry report of Officer-in-charge of Sultanganj Police Station (Annexure-A). It is stated in the inquiry report that the girl has disclosed before the Inquiry Officer that she did not like the petitioner, therefore, she had married with Rocky Kumar willingly. Regarding the marriage with the petitioner, she has stated that there was only ‘Chheka’ (engagement) in a temple which was performed against her will, therefore, she eloped with Rocky Kumar and married him.

Both the sides admit that she is major and in such a situation in the present case no writ of habeas corpus can be issued.

Accordingly, this writ application is dismissed.

However, the parties would be at liberty to seek their legal remedies before the competent forum.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K.Pandey/-

A.F.R/N.A.F.R.	N.A.F.R.
CAV DATE	N.A
Uploading Date	16.08.2017
Transmission Date	N.A.

