

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1497 of 2017

1. Divya Kumari, aged about 5 ½ years, daughter of Ruchika Kumari @ Nishu and Late Sunny Kumar @ Rahul.
2. Yash Kumar, aged about 7 ½ years, son of Ruchika Kumari @ Nishu and Late Sunny Kumar @ Rahul (1 and 2 are the under the natural guardian of their mother, namely, Ruchika Kumari)
3. Ruchika Kumar @ Nishu, wife of Late Sunny Kumar @ Rahul at present residing at Mohalla-Mithapur "B" Area, Kanulal Road, Mithapur B Area, P.S.-Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Old Secretariat at Patna.
2. Principal Secretary, Home Department, Govt. of Bihar, Old Secretariat at Patna.
3. District Magistrate, Patna.
4. Senior Superintendent of Police, Patna.
5. Sub-Divisional Police Officer-cum-Deputy Superintendent of Police, Patna City, Patna.
6. Officer-in-charge, Agamkuan Police Station, Patna.
7. Manju Devi, wife of Late Suresh Prasad, a resident of Choti Pahari, Pani Tanki Gali, P.S.-Agamkuan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Verma, Advocate
For the Respondent/s	:	MD. N.H. KHAN(SC1)
		Md. Naushaduzzoha, AC to SC-01

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 08-09-2017

Heard parties.

This writ application has been filed on behalf of petitioner no.1, who is minor daughter, petitioner no.2, who is minor son and petitioner no.3, who happens to their mother, for issuance of writ in the nature of *habeas corpus* for production of the petitioner nos. 1 and 2, who are allegedly under the illegal custody of their



grandmother,i.e., respondent no.7.

Since the petitioner nos. 1 and 2 are minor, the mother has filed this writ application being their next friend and guardian. The allegation is that the mother-in-law has forcibly keeping the children with her.

However, the issue is who shall be given the custody of both the children after the death of her husband. In our opinion, such issue can only be decided or resolved by family court.

Accordingly, this writ application stands disposed of granting such liberty to the petitioners.

Before parting with the matter, this Court would further observe that if such application is filed before the competent forum then let the same be decided expeditiously and the petitioners would further be at liberty to raise the issue of custody of the minor children also before that forum.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.09.2017
Transmission Date	N.A.

