

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 677 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- VAISHALI(HAJIPUR)

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Shiv Shankar Jha, son of Sri Surendra Jha, resident of Village & PO – Narayanpur
Dedhpura, P S – Mahnar, District - Vaishali

.... Petitioner/s

Versus

- 1 The State of Bihar
- 2 The Director General of Police, Bihar, Patna
- 3 The Superintendent of Police, Vaishali
- 4 The SHO Mahnar Police Station, Mahnar
- 5 The Secretary, Home Department, Vidhan Soudha, Bangalore, Karnataka
- 6 The Superintendent of Police, District Police Office, Bellary, District – Bellary, Karnataka
- 7 The Sub Inspector of Police, Hospet Extension Police Station, Hospet, TQ Hospet, District – Bellary, Karnataka
- 8 Sardar Vali, son of Ismail Sab Bagali, resident of 28th Ward, near Taha Masjid, Chapparada Halli, TQ Hospet, District – Bellary, Karnataka
- 9 Seken Bi, wife of Sardar Vali, resident of 28th Ward, near Taha Masjid, Chapparada Halli, TQ Hospet, District – Bellary, Karnataka
- 10 Umrej @ Imraj, daughter of Sardar Vali, wife of Shiv Shankar Jha, at present resident of 28th Ward, near Taha Masjid, Chapparada Halli, TQ Hospet, District – Bellary, State - Karnataka

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 03-03-2017

The matter has been listed under the heading *For Orders*
(On Office Notes) in relation to substituted service of notice on
respondents No 8 & 10.

2 Learned counsel for the petitioner and learned counsel
for the State are present.

3 We have perused the records and, in our view, issuance



of notice to the said respondents is not required in the facts and circumstances of this case inasmuch as this writ petition itself is not maintainable. A counter affidavit has been filed as far back as in September, 2012 bringing on record by the State that it is pursuant to orders of the Karnataka High Court passed in writ proceedings, which order is appended to the counter affidavit, that the custody of petitioner's alleged wife and daughter was handed over by the Bihar Police and they were taken to Karnataka. Thus, it is clearly not a case of habeas corpus and if the petitioner has any grievance, his remedy would be to appear in those proceedings before Karnataka High Court and seek his remedies there. He has had more than four years notice in these regards as the counter affidavit was filed in the year, 2012 itself disclosing the facts.

4 In view of the aforesaid, in our view, this writ petition, as a habeas corpus, is, thus, not maintainable and is dismissed accordingly.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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