

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1102 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Katihar

Lalit Kumar, Son of Laxmi Das, resident of Mohalla- Mafferganj, Hayatola
Ward No. 36, Police Station- Katihar, P.O. G.P.O., District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar.
2. The Home Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Inspector General of Police, Purnea Range, Purnea.
5. The Deputy Inspector General of Police, Purnea Range, Purnea.
6. The District Magistrate, Katihar.
7. The Superintendent of Police, Katihar.
8. The Incharge of Mahila Police Helpline, Purnea.
9. The Officer- Incharge, Bihar Police Station, Mahila Police Station, Katihar.
10. The Officer In Charge, Sahayak, Police Station, Katihar.
11. The In-charge Deepalay, Purnea Mahila Helpline, NH- 31, Bypass near Mahakali Motors (Truck Division), P.O.- Purnea, District- Purnea, Bihar.
12. Sri Barmeshwar Nath Pandey, father's name not known, Resident of Hawaii Adda Chawk, Ward No. 41, P.S. Sahayak Thana, P.O. Jutemills, District- Katihar.
13. Anand Prakash, Son of Sri Barmeshwar Nath Pandey, resident of Hawaii Adda Chawk, Ward No. 41, P.S. Sahayak Thana, P.O. Jutemills, District- Katihar.
14. Preeti Kumari, Daughter of Sri Barmeshwar Nath Pandey, Resident of Hawaii Adda Chawk, Ward No. 41, P.S. Sahayak Thana, P.O.- Jutemills, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narayan Yadav, Mr. P. Rajapati, Advocates
For the State	:	Mr. Anil Kumar, A.C. to S.C. 8
For the respondent no.14 :		M/s. Bimal Kumar, Birendra Kumar, Maruti Kumari, Advocates

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

Date : 07-08-2017

Learned counsel for the State files receipt showing



payment of cost in favour of the Patna High Court Legal Services Committee.

Let it be kept on record.

Mr. Bimal Kumar, learned counsel, appears on behalf of the respondent no.14 and files vakalatnama.

Let the same be also kept on record.

This writ application has been filed by the petitioner for issuance of writ in the nature of habeas corpus for production of the respondent no.14 in court as her liberty was at stake having been confined in the custody of the respondent no.11, which is a shelter home.

On the first date of hearing itself, learned counsel for the petitioner was directed to answer as to how he has locus to maintain this case. On that, he has relied upon Section 4 of the Protection of Women from the Domestic Violence Act, 2005 which lays down that any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer.

Then again a question was asked to him as to why he has not gone before the protection officer. If he relies upon the said provision of law then he was required to go there and file



an application, why he has come and filed a writ application seeking habeas corpus. This question could never be answered by him. Thereafter, it was submitted by him that he had a love affair with the girl and the girl had left home to marry him. The girl has left her home and came at his residence and kept her articles there and went to the police for seeking protection, and, as such, he was also called before the police and parents were also called and, thereafter, he came back but, subsequently, no information was given to him .

In above view of the matter, it was submitted that he has a cause of action to come before this Court and seek habeas corpus.

However, in our view, such type of submission is noted only to be rejected as he has not been able to show any locus for filing this application.

That apart, in the counter affidavit filed on behalf of the respondent no.11 the statement of the girl recorded in the Alpawas Grih, Purnia has also been appended in which she has stated that she has merely kept her articles in the house of Lalit Kumar and she had left her home in view of the fact that she wanted to marry a person only to her choice and not of the choice of her parents. So far this petitioner is concerned, she



has merely disclosed that said Lalit Kumar is brother of her friend Manisha Kumari and she has merely kept her articles there. The court concerned, after hearing the parties, vide order dated 19.07.2017, had directed for her release in favour of her parents. The girl has appeared today by filing vakalatnama. It is stated on her behalf that she does not have any love affairs with the petitioner and she wants to live with her parents upon their assurance that they will not get her married forcibly.

Accordingly, this writ application, being devoid of any merit, is dismissed.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2017
Transmission Date	NA

