

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 247 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- DARBHANGA

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Chhedi Yadav Son of Sridhar Yadav @ Shirdhar Yadav resident of Balua Mardahava, P.S. Piparasi, District - West Champaran. At present resident of village Ratanmala Bagaha, P.S. Bagaha, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home Department, Govt. of Bihar, Main Secretariat, Patna.
3. The District Magistrate, Darbhanga.
4. The District Magistrate, West Champaran.
5. The Superintendent of Police, Darbhanga.
6. The Superintendent of Police, West Champaran.
7. The Officer-in-charge, Police Station, Bahadurpur, District - Darbhanga.
8. The Officer-in-charge Police Station Bagaha, District - West Champaran.
9. The Officer-in-Charge, Police Station, Piparasi, District - West Champaran.
10. Krishna Kumar Thakur son of Late Ram Lakhan Thakur resident of village Sirdilpur, P.S. Bahadurpur (Pator), District - Darbhanga.
11. Bandana Kumari Wife of Chhedi Yadav, D/o Krishna Kumar Thakur resident of Village - Ratanmala, P.S. Bagaha, District West Champaran, At present resident of village - Sirdilpur, P.S. Bahadurpur (Pator), District - Darbhanga.

.... 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

By this writ petition, claiming to be an application for habeas corpus, the petitioner claims production of his alleged wife who has been illegally confined by her parents with the help of Darbhanga Police.

2 Learned counsel for the State draws our attention to



the first information report (for brevity, *FIR*) lodged by the girl's father against the petitioner alleging that he had forcibly taken her away for illegal purposes and submits that this application is in fact nothing but step to create a defence.

3 We would not like to go into this controversy at this stage inasmuch as an *FIR* has been lodged and the Police is investigating the matter and we cannot judge the matter in one way or the other.

4 However, in our view, the petitioner has adequate remedy, as provided under Sections 97 and 98 of the Code of Criminal Procedure and if he is so advised, he may avail the said remedy.

5 In view of the disputed questions, we would not like to entertain this writ petition. We, accordingly, dispose of this writ petition with a direction to the petitioner to avail of the remedies, as indicated above, if so advised.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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