

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1848 of 2017

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

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Gauri Devi wife of late Ram Swarup Ram resident of Mohalla Murgi Bagicha
(Malin Basti) P.S. Gandhi Maidan, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Mr. Quaisar Alam, Officer-in-charge, Pirbahore Police Station, District - Patna.
4. Mr. Priya Ranjan, the Officer In-Charge Gandhi Maidan, Police Station, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Nand Kishore Singh and Jitendra Kumar, Advocates
For the Respondent/s	:	Mr. Prabhu Narayan Sharma, AC to AG

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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 : 30-10-2017

Heard learned counsel for the petitioner and the State.

Through this writ application the petitioner seeks following
reliefs:

- “(a) To issue a writ of HABEAS CORPUS for production of the son of the petitioner Sri Ashok Ram in the court and his release, who has been forcibly taken into custody and whisked away by the respondent no. 3 and 4 without warrant of arrest of any competent court and without indicating any reason or crime attributable to the son of the petitioner or without offering opportunity of seeking bail on 02-10-2017 at



about 8 P.M. from Malin Basti Murgi Bagaicha of Exhibition Road while the daughter – in – law Rubi Devi with her husband and son of the petitioner were going to doctor on Motor cycle for treatment of ailing minor daughter resulting in deprivation of personal liberty of the son and daughter in law (Rubi Devi) of petitioner.

(b) To declare detention of the son and daughter in law of the petitioner along with minor children is illegal without any cogent reason and unauthorised and hence award compensation against the authorities especially respondent no. 3 and 4 for depriving the son and daughter in law of the petitioner for infringement of their personal liberty without authority of law.

(c) To pass such other order/direction/to meet the ends of justice in order to restore the liberty and dignity of the husband of the petitioner,”

First grievance of the petitioner is that her son, namely, Ashok Ram and her daughter-in-law, namely, Rubi Devi have been arrested in the night but were not produced before the Chief Judicial Magistrate concerned within twenty four hours. A report was called for from the Chief Judicial Magistrate which is on record as Annexure B which shows that a show cause has already been issued in this regard to the Investigating Officer to explain as to why the accused persons have been produced after twenty four hours from the arrest. The petitioner further seeks that their



detention may be declared illegal and they should immediately be directed to be released.

The reason being given is that the mobile phone which was allegedly recovered from the possession of the accused was not the one among the list of the stolen property which has been brought on record.

However, the petitioner forgets that she has approached this Court in the writ jurisdiction, thus, she would have to show her bona fide and also that she has come up with clean hands before this Court. The petitioner has nowhere stated that the Samsung mobile phone which has been recovered from possession of her son or daughter-in-law is not a stolen property, rather his/her purchased property. Nothing has been brought on record to show this fact, therefore, the bail application of the son of the petitioner has been rejected by the Chief Judicial Magistrate and then admittedly, by the Sessions Judge also. Her son is involved in other criminal cases also. However, daughter – in – law of the petitioner, namely Sunita Devi @ Ruby Devi has already been enlarged on bail, as has been informed to the Court today by the counsel for the petitioner. Son of the petitioner has an option to move before the competent forum for grant of bail. However, no



case is made out for release by this court in the present proceeding as investigation is still going on.

Accordingly, this writ petition is dismissed.

However, this is made clear that this order would not come in way of the petitioner or the accused in moving before a competent forum in any matter which she or the accused persons are entitled under law to raise or contest.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2017
Transmission Date	NA

