

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2049 of 2018

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

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1. Rupesh Kumar Yadav @ Rupesh Yadav, son of Shri Dhanraj Yadav, resident of Village- Shiv Asthan, Thawe, P.O.+ P.S. Thawe, District- Gopalganj.
 2. Sharda Devi, wife of Shri Dhanraj Yadav, resident of Village- Shiv Asthan, Thawe, P.O.+ P.S. Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Inspector General of Police, Tirhut Commissioner, Muzaffarpur.
4. The Deputy Inspector General of Police, Saran (Chapra).
5. The Superintendent of Police, Gopalganj.
6. The Deputy Superintendent of Police, Town, Gopalganj.
7. The S.H.O., Thawe Police Station, District- Gopalganj.
8. The Manager, the Government Shelter Home, Gopalganj.
9. Kunwar Prasad, son of Late Kanhaiya Prasad, resident of Village- Bideshi Tola, P.S.- Thawe, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Upendra Yadav, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 06-09-2018

Heard learned counsel for the petitioners and the State.

This writ application has been filed for issuance of writ
in the nature of *Habeas Corpus* commanding and directing the
respondents to produce Riya Kumari, who, according to the writ



petitioners, is legally wedded wife of the petitioner no.1 and the daughter of respondent no.9.

Today it is stated before us that vide order dated 10.08.2018, considering the said Riya Kumari to be minor, the court concerned, looking into the welfare of the victim, has directed her to be kept at Nari Niketan, Gaighat, Patna.

Since, the victim is in After Care Home under the orders of a court of competent jurisdiction, it would be very difficult for us to hold that she is under illegal confinement and issue writ of *Habeas Corpus* for production of the victim.

As a result, this writ application stands disposed of granting liberty to the writ petitioners to assail the order dated 10.08.2018 passed by the Chief Judicial Magistrate, Gopalganj with respect to Thawe P.S. Case No. 123 of 2018 before a competent forum, if they so desire.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.09.2018
Transmission Date	07.09.2018

