

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.413 of 2018

Arising out of P.S. Case No.- Year- Thana- District- Patna

=====

Md. Shamseer Azad, Son of Md. Tahir Hussain, Resident of
Mohalla- Mohammadpur (Near Madarsa), Post Office Mahendru
Police Station- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar,
Patna.
2. Shoaib Alam, Son of not known to the petitioner.
3. Rinku, Son of Shoaib Alam,
4. Md. Faiz, Son of Shoaib Alam,
5. Gulafsha Perween, Wife of Md. Shamseer Azad and Daughter of
Shoaib Alam, 2 to 5 residents of Mohalla- Kaghzi Mohalla, Post
Office- Vaidrabad, Police Station- Arwal, District- Arwal.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S.M. Ashraf, Advocate.

: Mr. Syed Masleh-Uddin Ashraf, Advocate.

For the Respondent Nos. 2 to 5: Mr. Surendra Kumar Mishra, Adv.

For the State : Mr. P.N. Sharma, AC to AG

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE PRAKASH

CHANDRA JAISWAL

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 02-04-2018

Heard parties.

The girl and the petitioner are present.

The girl has categorically questioned the marriage and
she has stated that in fact by fraud such document has been created



whereas it is being urged on behalf of the petitioner that the inquiry in this regard be conducted through any agency.

However, the issue here is not of marriage but the writ petitioner has filed this writ petition for issuance of writ of habeas corpus for production of the girl.

The girl is present before us and she has stated that she does not want to go with the writ petitioner.

In such a situation, we would not be in a position to direct the girl or force her to accompany the writ petitioner.

Accordingly, this writ petition is dismissed.

It is made clear that we have not formed any opinion with respect to the fact that marriage was performed or not?

(Dr. Ravi Ranjan, J)

(Prakash Chandra Jaiswal, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2018
Transmission Date	NA

