

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1138 of 2017

Arising Out of PS. Case No.-99 Year-2016 Thana- OBRA District- Aurangabad

Shyamli Devi, wife of Manish Ranjan, resident of Village - Chhunda, Post Office - Deshpur, Police Station - Kutumba, District – Aurangabad.
Daughter of Vijay Kumar Sharma, resident of Village - Manar, Post Office - Gaini, Police Station - Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police (Home, Police), Bihar, Patna.
3. The Inspector General of Police (Home), Bihar, Patna.
4. The Deputy Inspector General of Police, Gaya, Bihar.
5. The Superintendent of Police, Aurangabad.
6. The Station House Officer, Police Station - Obra, District - Aurangabad.
7. Surendra Pandey son of Chhedi Pandey
8. Vimlesh Devi wife of Surendra Pandey Respondent No. 7 & 8 are residents of Village - Chhunda, Post Office - Deshpur, Police Station - Kutumba, District - Aurangabad At present resident of Primary Health Centre, Obra, Police Station - Obra, District - Aurangabad.
9. Chanchala Devi daughter of Surendra Pandey
10. Alka Devi Daughter of Surendra Pandey Respondent No. 9 & 10 are at present residents of Obra Bazar, Police Station - Obra, District - Aurangabad.
11. Pappu Pandey son of Bhanu Pandey resident of Village - Pisay, Police Station - Khudwan, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Respondent/s : Md. Nasrul Huda Khan (SC1)

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

Date : 03-08-2018

Head learned counsel for the petitioner and the State.

Through this writ application, the petitioner seeks
direction for production of her husband, who has become traceless
from 09.07.2016, for which, the F.I.R. being Obra P.S. Case No.99



of 2016 has already been instituted by the father-in-law of the petitioner,i.e., father of the concerned trace-less person.

It is also stated that there was strained relationship between the husband and the wife and the petitioner has already filed a case under Section 498 (A) of the Indian Penal Code against the husband. The petitioner apprehends that her husband might have disappeared willfully and might have solemnized the second marriage.

In our view, if an adult person has chosen to move anywhere, it cannot be said that there is any unlawful confinement. Therefore, writ of *habeas corpus* cannot be issued in such matters.

Accordingly, this writ application is dismissed.

However, the petitioner, if so advised, would be at liberty to take recourse of legal remedies which may be available to her in law.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.08.2018
Transmission Date	N.A.

