

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.834 of 2018

Uma Kant Singh, Son of Saryug Singh, Resident of Village- Berhna
(Govindpur), Police Station- Barh, District- Patna. Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police, Lakhisarai.
 2. The Superintendent of Police, Lakhisarai.
 3. The Officer-in-charge, Police Station Surajgarha, District -Lakhisarai.
 4. Shakar Singh, Son of Ram Lagan Singh.
 5. Lalan Singh, Son of Ram Lagan Singh.
 6. Munchun Kumar, Son of Shankar Singh.
- All residents of Village- Rampur, Police Station- Suarjgarha, District-
Lakhisarai. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Madan Prasad Singh No.2, Advocate Mr. Dharmendra Kumar Raju, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, Advocate
For Respondent No. 4 to 6 :		Mr. Parmanand Pd. Sahi, Advocate Mr. Birendra Kumar Tiwary, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 20-06-2018

We have heard parties.

In the peculiar facts and circumstances of this case, when the welfare of the kids was questioned by the writ petitioner, we directed the Superintendent of Police, Lakhisarai to submit a report. In the report, it is stated that after the death of father and subsequently, second marriage of the mother, one boy and a girl, son and daughter of Late Dhiraj Kumar are living with the uncle and aunt. In the report, it is stated that the kids have complained that both are often scolded by the uncle and aunt and they want to live with the mother and maternal grandmother but nothing has



been written against the manner of look after by the uncle and aunt being against the welfare of the children.

It is contended on behalf of the writ petitioner that he and his wife being the maternal grandfather and maternal grandmother of the children, it would be in their welfare if they are allowed to live with them.

In our view, these are the matters which can be raised before the concerned competent court by filing a case of custody of the children and not in a proceeding for issuance of writ of habeas corpus inasmuch as it could not be demonstrated before us that the children are in illegal confinement of anybody.

The second question which has been raised by the writ petitioner is that neither he nor is his wife are being allowed to meet the children.

On this, learned counsel appearing for the private respondent nos. 4 to 6 has undertaken before us that there is no hindrance in doing that. Accordingly, it is ordered that the writ petitioner and/or his wife should be allowed to meet the children once in a month preferably on Sunday of the first week for two hours in the presence of the Officer-in-charge of the concerned police station.



The writ petitioner will approach the Officer-in-charge of the concerned police station and he will authorize any police personnel to accompany the petitioner and/or his wife to the house of the private respondents who will allow the meeting between the children and the grandparents.

Accordingly, this writ application stands disposed of with the aforesaid liberty given to the writ petitioner and his wife as well as with a further liberty to move before the competent court for raising an issue of custody, if the writ petitioner is so advised. In such case, the same should be decided by the court concerned on its own merit and in accordance with law without being prejudiced by any observation or finding recorded in the present order.

This arrangement is made till any case for grant of custody is filed by the petitioner or his wife before a court of competent jurisdiction. If such case is filed, thereafter, that court would take up the matter and decide it in accordance with law.

(Dr. Ravi Ranjan, J)

V.K.Pandey/-

(S. Kumar, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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