

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.447 of 2018

Arising out of P.S. Case No.-33 Year-2017 Thana- PHULWARI
District- Patna

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Pratima Devi, W/o Late Revti Raman, R/o Goriya Dera, P.S.-
Janipur, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Home Secretary, Bihar, Patna.
4. Inspector General of Police, Patna Zone, Patna.
5. Deputy Inspector General Patna Range Patna.
6. The Senior Superintendent of Police, Patna.
7. The Officer In Charge Janipur Police Station, Dist- Patna.
8. Vijay Rai, S/o Kuldip Rai, R/o Village- Mahuari Bagicha, P.S.-
Maner, Dist- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate
For the State : Mr. Ajay Kumar Sharma, AC to AG
For the respondent no. 8: Mr. Pramod Kumar, Advocate.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE PRAKASH
CHANDRA JAISWAL
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 23-04-2018

Heard parties.

This writ petition has been filed for a direction to the
respondents State to release two children of the petitioner, who is
the mother of the children, from the captivity of respondent no. 8



as it is alleged that since 17.01.2017 they are in captivity of respondent no. 8.

Pursuant to our direction both the children are present before us and they have categorically stated that they do not want to go with the mother. The girl namely Srilata Kumari aged about 9 years studies in 5th Class and the boy namely Shri Muni Kumar aged about 8 years studies in Class 1. Both the children are studying in same school, i.e., Saraswati Gyan Niketan, Sarai, Patna.

It is submitted that Guardianship Case No. 13 of 2018 has already been filed by the wife of respondent no. 8 for allowing the children to remain under her guardianship. She has also filed a succession certificate case for granting succession certificate in favour of children vide Succession Case No. 172 of 2017 in the Court of Sub Judge-I, Patna.

In such a situation, since the children have already been produced before us this writ petitioner has lost its efficacy, however, both the parties would be at liberty to pursue their respective stands before the Court which is in the seisin of the aforesaid cases.

The petitioner would also be at liberty to make a prayer before the concerned Court regarding right to visit and meet her



children during the pendency of the concerned case. If such application is filed then a decision should be taken by the Court concerned in accordance with law.

Accordingly, this writ petition stands disposed of with the aforesaid liberty granted to the petitioner.

It is made clear that if the writ petitioner appears on the dates fixed by the competent Court then the guardianship case should be disposed of expeditiously on its own merit and in accordance with law.

(Dr. Ravi Ranjan, J)

(Prakash Chandra Jaiswal, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2018
Transmission Date	NA

