

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2 of 2018

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Md. Ashique Ellahi Son of Shadhadat Hussain @ Md. Sahadat Hussain
resident of village - P.O. Arwal (Taripar), P.S.- Arwal and District Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Director General of Police, Bihar, Patna.
3. Superintendent of Police, Patna.
4. Anjum Aara wife of Md. Ashaque Ellahi and d/o Qamruddin Ansari
5. Qamruddin Ansari son of Basiruddin
6. Nuraisha Khatoon Wife of Qamruddin Ansari
7. Sarfaraz Ali son of Abdul Rab
8. Nasim alias Bhola son of Late Nazrul Qaiyum All residents of village - Nabi Nagar, P.S- - Dulhin Bazar, p.o. - Balhourri and Dist - Patna.
9. Tabassum D/o Qamruddin Ansari R/o Shalimarbagh, Flat No. 40 C - Block BK (North West), P.S. Shalimarbagh, Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan, Advocate
For the Respondent/s	:	Mr. Mrigendra Kumar, AC to (GA-4)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 08-01-2018

Heard learned counsel for the petitioner and the State.

This writ application has been filed for a direction to the respondent authorities by issuance of writ of habeas corpus to get the respondent no.4, namely, Anjum Aara, wife of the petitioner, released from the clutches of the respondent nos. 5 and 6,i.e., her parents and produce before the Court.



In our view, for family matters, we cannot issue writ of *habeas corpus* as the wife of the petitioner cannot be held to be in illegal confinement of her parents especially when Annexure-3 shows that a Complaint Case No.152 of 2016 has already been filed by the wife under Sections 498A/406/34 IPC against the husband and apart from the above, a maintenance case has also been filed under Section 125 Cr.P.C.

Accordingly, this writ application is dismissed.

However, this order would not come in the way of the writ petitioner in approaching the competent forum which would be available to him in law for redressal of his grievance.

(Dr. Ravi Ranjan, J)

(Anjana Mishra, J)

V.K.Pandey/-

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