

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.593 of 2019

Arising out of PS. Case No.-506 Year-2018 Thana- KADAMKUAN District- Patna

RAVI UJJAWAL, aged about 28 years, male, Son of Ramji Singh, Resident of Village - Bharkhar, P.O. Raghunthpur, P.S.- Brahampur, Distt.- Buxar.

... .. Petitioner/s

Versus

1. STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME DEPTT. GOVT. OF BIHAR , PATNA Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna.
4. The Deputy Inspector General of Police, Patna
5. The Senior Superintendent of Police Station, Patna.
6. The Deputy Superintendent of Police , Patna.
7. The Thana Incharge, Phulwarisharif Police Station, Patna.
8. Satya Nand Prasad @ Satya Nand Dangi, aged about --- years, male, Son of Late Mahavir Singh Resident of Village - Near Brahampur, near Devi Asthan, P.S.- Phulwarisharif, Distt.- Patna.
9. Veena Sinha, aged about ---- years, female, Wife of Satya Nand Prasad Resident of Village -Brahampur, Near Devi Asthan, P.S.- Phulwarisharif, Distt.- Patna.
10. Sanjay Kumar Son of Satyanand Prasad. Resident of Village -Brahampur, Near Devi Asthan, P.S.- Phulwarisharif, Distt.- Patna.
11. Ravi Roushan Son of Satya nand Prasad Resident of Village -Brahampur, Near Devi Asthan, P.S.- Phulwarisharif, Distt.- Patna.
12. Shurti Ranjana Wife of Sanjay Kumar Resident of Village -Brahampur, Near Devi Asthan, P.S.- Phulwarisharif, Distt.- Patna.
13. Aprajita Golden W/o Ravi Raushan Resident of Village -Brahampur, Near Devi Asthan, P.S.- Phulwarisharif, Distt.- Patna.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr.Santosh Chandra Bhaskar, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-04-2019 Heard learned counsel for the petitioner.

2. The contention is that the petitioner is the husband of one Renuka Rani and she is being unlawfully detained by her parents and, therefore, a writ should be issued.

3. Admittedly, according to the petitioner, Renuka Rani is a major and she is not even a party to the writ petition. Apart from this, Paragraph 13 of the writ petition recites as follows:-

“That it is important to mention it here that the respondent no. 8 and 9 hardly made pressure upon his wife and without willful consent they succeed to proceed her in matrimonial case vide matrimonial case no. 1255 of 2018 under section 27 of Special Marriage Act and by way threatened the petitioner regularly.”

4. It is, therefore, evident that Renuka Kumari has already filed Matrimonial Case for divorce which is pending



before the Court. In such circumstances, this is not a case of unlawful detention so as to warrant exercise of jurisdiction under Article 226 of the Constitution of India.

5. The writ petition is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

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