

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.524 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Gaya

Karan Kumar Kaushal @ Karan Kumar, S/o Sri Ramchandra Prasad, Resident of Veer Kuwar Singh Colony, Road No. 11, Gaya, P.S.- Magadh Medical College, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Nalanda, Biharsharif
2. The Superintendent of Police, Nalanda, Biharsharif
3. The Officer-in-charge, Laheri Police Station, District- Nalanda.
4. Priyadarshna Kumari, Wife of Late Ram Lakhan Prasad, Resident of Mohalla- Ramchandrapur, P.S.-Laheri, District - Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bharat Lal, Advocate
Mr. Rabindra Kumar, Advocate
Mr. Akash Raj, 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 26-03-2019 The contention raised is that the petitioner being the natural guardian of his daughter who is 2½ years old is unlawfully being confined by respondent no. 4 who is the maternal grandmother. The contention is that the mother of the child is dead and that the respondent no.4 had only two daughters, one of the whom was the petitioner's wife. The second daughter has an eye on the property of her mother and therefore there is every threat to the life of the child of the petitioner.



These are issues of fact which may have to be investigated and may require further consideration but in view of the fact that the child is a girl child and is only 2½ years old, *prima facie* she needs the company of her maternal grandmother at this stage of life for her rearing. In the event, the petitioner has any threat towards the life of his child from his sister-in-law, it is open to him to take such steps and inform the appropriate authority about the same but so far as the guardianship is concerned, this claim can be set up under the Guardianship and Wards Act before the appropriate Court and therefore we are not inclined to entertain this *habeas corpus* petition.

Dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

PNM/Saif

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