

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.545 of 2019

Arising Out of PS. Case No.-401 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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KUMARI CHANCHILA RANI Wife of Awadh Kumar Paswan @ Awadhesh Paswan, Resident of Village-Chhabilapur, P.S-Manpur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Division, Patna.
4. The District Magistrate, Nalanda at Biharsharif
5. The Superintendent of Police, Nalanda at Biharsharif.
6. The Officer Incharge Noorsarai, Police Station, District-Nalanda.
7. The Officer Incharge Manpur Police Station, District-Nalanda.
8. Bimlesh @ Upendra Paswan S/o Doman Paswan, Resident of village-Rawaich, P.S-Bakhtiyarpur, District-Patna.
9. The Officer Incharge Bakhtiyarpur P.S. Station, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar
For the Respondent/s : Mr. Lalit Kishore (Ld. A.G)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 13-05-2019 Heard learned counsel for the petitioner and perused the counter affidavit filed on behalf of the respondent which also encloses therewith the gist of the statement of the petitioner under Section 164 of the Cr. P.C. where she has admitted that she is now living with Awadhesh Paswan. There is no indication in her statement nor is there any indication in the entire writ



petition that the father of the child is Awadhesh Paswan. To the contrary, what appears is that the father of the child is the previous husband of the petitioner Bimlesh alias Upendra Paswan and according to the police, the said child is residing with Bimlesh alias Upendra Paswan in Delhi.

In view of the above circumstances, the question of custody of the child on the basis of the entitlement of the parents becomes a seriously complicated issue which cannot be gone into by us in exercise of jurisdiction under Article 226 of the Constitution of India on the facts of the present case and, therefore, we decline to interfere with the same, without prejudice to the rights of the petitioner to approach the appropriate forum for the redressal of her grievances, including custody of the child.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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