

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.913 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- PATRAKARNAGAR District- Patna

Prakash Chandra Modi Son of Late Baldeo Modi Resident of village- Ganaul,
P.O.- Narayanpur, P.S.- Bihpur (Bhawanipur) District- Bhagalpur (Bihar).
... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
2. The Director General of Police Govt. of Bihar
3. Regional Inspector General of Police, Patna Region Patna, Bihar
4. The Deputy Inspector General of Police Bihar,
5. The S.S.P. Patna District- Patna, Bihar
6. City S.P. Patna, District Patna
7. D.S.P. Patna Bihar
8. Thana In charge, Patrakar Nagar Thana Patna District Patna, Bihar
9. Suraj Raj Son of Nageshwar Tiwari Resident of village Shukla Colony,
Bajpai Patha, P.S.- Doranda District- Ranchi (Jharkhand)
10. Pramila Devi Wife of Nageshwar Tiwari Resident of village Shukla Colony,
Bajpai Patha, P.S.- Doranda District- Ranchi (Jharkhand)
11. S.Raj @ Moju Kumar Son of Nageshwar Tiwari Resident of village Shukla
Colony, Bajpai Patha, P.S.- Doranda District- Ranchi (Jharkhand)
12. Priti Ranjan daughter of Sri Nageshwar Tiwari Resident of village Shukla
Colony, Bajpai Patha, P.S.- Doranda District- Ranchi (Jharkhand)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar
For the Respondent/s : Mr.M. Nasrul Huda Khan

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-06-2019 Heard learned counsel for the petitioner.

The allegation is that the sister-in-law is alleged to
have accompanied her brother-in-law and the statement under
Section 164 Cr.P.C. of the victim clearly states that she had



willingly married her own brother-in-law.

Learned counsel submits that how could this have happened as it is in violation of law and, therefore, a petition of *habeas corpus* has been filed by the father seeking her release from the alleged unlawful detention.

Prima facie, this does not appear to be a case of unlawful detention at all in view of the statement under Section 164 Cr. P.C. of the victim as the victim is aged about 26 years and is a major.

In the above background, we find that the petition is misconceived and is not a case of unlawful detention so as to warrant exercise of jurisdiction under Article 226 of the Constitution.

The petition is dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

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