

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1274 of 2019

Arising Out of COMPLAINT CASE No.-2411 Year-2019 District- Patna

SAKALDEEP KUMAR Son of Sri Mahendra Prasad Resident of Village-Transport Nagar, Kumhrar, P.S.-Agamkuan, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Patna .
... Respondent 1st Set.
2. Ashok Sharma Father of Juhi Kumari Resident of Village-Gyatri Nagar, Malahi Pakri, in front of the office of Ward Councilor, Sheela Devi of Ward No.33, P.S.-Kankarbagh, District-Patna permanent resident of village-Potahi, P.S-Potahi, District-Patna.
3. Anju Devi Wife of Sri Ashok Sharma Resident of Village-Gyatri Nagar, Malahi Pakri, in front of the office of Ward Councilor, Sheela Devi of Ward No.33, P.S.-Kankarbagh, District-Patna permanent resident of village-Potahi, P.S-Potahi, District-Patna.
4. Vishwajeet Kumar @ Bhodu Jee Son of Sri Lakhan Deo Prasad Resident of Village-Anand Chikitsha Home, Punpun Bazar, in front of Punpun Block, P.S.-Punpun, District-Patna.
... Respondent 2nd Set.
5. Juhi Kumari Wife of Sri Sakaldeep Kumar, D/o Sri Ashok Sharma Resident of Village-Gyatri Nagar, Malahi Pakari, in front of the office of Ward Councilor, Sheela Devi, Ward No.23, P.S.-Kankarbagh, District-Patna permanent resident of village-Potahi, P.S.-Potahi, District-Patna.

... .. Respondent (3rd set.)

Appearance :

For the Petitioner	:	Mr.Vijay Kumar Sinha, Advocate
For the Respondent-State:		Mr.Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 04-09-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The instant application under Articles 226 &
227 of the Constitution of India has been filed by the petitioner for



directing respondent 2nd Set to hand over his wife (respondent no. 5) who has been illegally detained by the respondent nos. 2 to 4.

3. The writ petition in its present form is not maintainable.

4. Since the petitioner has alleged that his wife is in illegal confinement of her parents, the proper course should have been for the petitioner to apply for a writ in the nature of habeas corpus.

5. In that view of the matter, the application is dismissed with liberty to the petitioner to file a writ in the nature of habeas corpus for the redressal of his grievance.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.09.2019
Transmission Date	09.09.2019

