

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1813 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- NAUTAN District- Siwan

Shweta Kumari @ Sweta Devi W/o- Shri Ajay Kumar D/O- Shri Suresh Prasad Resident of Mohalla- Anand Nagar, P.S.- Siwan Town, District- Siwan, At present residing in her parental house situated in the village- Nautan, P.O. and P.S.- Nautan, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the District Magistrate, Siwan. Bihar
2. The District Magistrate, Siwan. Bihar
3. The Superintendent of Police, Siwan. Bihar
4. The Sub- Divisional Police Officer, Sadar, Siwan. Bihar
5. The Officer Incharge, Siwan Town Police Station, Siwan. Bihar
6. Shri Ajay Kumar S/o- Shri Dharmnath Prasad Resident of Mohalla- Anand Nagar, P.S.- Siwan Town, District- Siwan.
7. Shri Dharmnath Prasad S/o- Late Ram Prasad Sah Resident of Mohalla- Anand Nagar, P.S.- Siwan Town, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jyoti Shankar
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-12-2019 The petitioner, through the instant petition has
prayed for the following relief:

“ (I) For issuance of a writ in the nature of habeas corpus for production of the minor daughter of the petitioner namely Anupriya aged about 02 years & 01 month, who is under illegal confinement and detention of the Respondent nos. 6 and 7.

(II) For issuance of a writ in the nature of habeas



corpus for production of female child Anupriya aged about 02 years & 01 month, because Section 6 of the Hindu Minority & Guardianship Act, 1956 clearly postulates that the custody of a minor, who has not completed the age of 05 years shall ordinarily remain with the mother.

(III) Any other relief or reliefs in view of the fact that the Respondent Nos. 6 & 7 without any rhyme and reason, illegally detained female child namely Anupriya aged about 02 years & 01 month, in complete departure to Section 6 (a) of the Hindu Minority & Guardianship Act, 1956.”

Learned counsel for the petitioner seeks permission to withdraw the present application reserving liberty to seek appropriate remedies in accordance with law.

Accordingly, the application is dismissed as withdrawn with the aforesaid liberty.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

