

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.110 of 2020

Arising Out of PS. Case No.-447 Year-2019 Thana- RAJGIR District- Nalanda

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ANOJ KUMAR @ SUSHANT S/o Jitendra Singh R/o Village- Kadilpur @
Jagdishpur, P.S.- Jandaha, Distt- Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY
DEPTT. OF HOME GOVT. OF BIHAR, PATNA Bihar
2. The Director General of Police, Patna. Bihar
3. The Superintendent of Police, Nalanda. Bihar
4. The S.H.O., Rajgir P.S., Distt- Nalanda. Bihar
5. The Supreintendent of Police Vaishali, at Hajipur Bihar
6. The S.H.O. Jandaha Police Station, Jandaha, Distt- Vaishali. Bihar
7. Ram Kishor Kumar S/o Ram Sevak Singh R/o Village- Nai Pokhar, P.S.-
Rajgir, Distt- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Thakur
For the Respondent/s : Mr.Lalit Kishore ,Ag Bihar

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-02-2020 This petition filed on 31.01.2020 is taken up for
hearing for the first time today before the Court.

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

Petitioner has prayed for following relief/s:-

“The petitioner above named craves for
indulgence of this Hon’ble Court by way of issuance
of any appropriate order/orders, direction/directions or



writ/writs in the nature of Habeas Corpus, commanding and directing the respondents concerned to produce the wife of petitioner namely Anisha Kumari, D/o Ram Kishor Kumar i.e. private respondent no.7 and to hand over her to the petitioner as per her independent sweet will, as both the petitioner and aforesaid Anisha Kumari being major have marriage out of love and affection in a Shiva Temple at Kadilpur @ Jagidishpur, the village of petitioner on 04.12.2019 but upon complaint of private respondent and under his illegal influence the police by coming to house of the petitioner on 06.12.2019 with regard to investigation of Rajgir P.S. Case No.447 of 2019 lodged on 05.12.2019 has taken away the wife of the petitioner and when her statement u/s 164 of Cr.P.C. has been recorded before Magistrate on 06.12.2019 itself, the girl has specifically stated that she is major and has married the petitioner voluntarily and upon her own sweet will and she wants to go with the petitioner, but even then the girl has been handed over to her father and the petitioner after being kept illegally in Hajat at Rajgir P.S. for two days has been freed”.

Learned counsel for the petitioner fairly submits that the present petition is not maintainable in the nature of Habeas Corpus as the girl is not in an illegal detention. Undisputed, the wife is major and on this point in time, as is evident from her statement recorded under Section 164 of the Cr.P.C. by the



learned Magistrate, resiling from her statement. As such learned counsel for the petitioner seeks permission to initiate proceeding for the custody of his wife in accordance with law.

Permission is granted.

This petition is disposed of with the aforesaid liberty.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

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