

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.351 of 2020

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

ANKITA GUPTA D/o Shri Ashok Kumar Gupta, Ex- Wife of Pankaj Kumar Resident of 402, Dhaneshwar Palace, Abhimanyu Nagar, Jalalpur, Nahar Road, Near Primary Govt. School, P.S.- Rupaspur, Patna, at present residing at Jawahar Navodaya Vidhyalaya, Kata Road, P.S. and District- Washim, State- Maharashtra.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE HOME SECRETARY, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA.
2. The Director General of Police, Bihar, Old Secretariat, Patna.
3. The Sr. Superintendent of Police, Patna.
4. Pankaj Kumar Son of Ranjan Prasad Resident of J.P. Morgan, Prestige Tech Park, Marathalli, Bengaluru, Karnataka- 560087.
5. Ranjan Prasad Son of Not Known Not given.
6. Chandravati Devi Wife of Dabdar Toli Belwanganj, P.O.- Gulzaragh, P.S.- Alamganj, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s.Priya Gupta, Parul Prasad Mohit Agarwal
For the Respondent/s	:	Mr. Pawan Kumar, A.C. to A.G Mr. Arvind Kumar Sinha

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 21-10-2020

Heard the parties.

Petitioner has prayed for following reliefs:-

1. For issuance of writ of habeas corpus or any other appropriate writ, order or direction, directing the respondents to herein produce Ms. Paridhi Gupta (Corpus)



before this Hon'ble Court and further be pleased to set her at liberty by handing her to the petitioner mother;

2. For issuance of writ of habeas corpus or any other appropriate writ, order or direction, directing the respondents to hand over the custody of the corpus (Ms. Paridhi Gupta) to the petitioner who is mother and legal guardian/custodian of the corpus;

3. For further issuance of direction/order to the respondents to provide visiting rights to the petitioner while pendency of the present writ application;

4. For issuance of any other relief, as are deemed fit in the facts and circumstances of the present case.”

Petitioner who is the mother of minor Paridhi Gupta has filed this writ petition in nature of habeas corpus to produce minor Paridhi Gupta (corpus) before this Court and to set her at liberty by handing her to the petitioner mother. Petitioner has also prayed to provide visiting rights during pendency of writ petition. Due to prevalent pandemic condition, no physical visiting rights could be granted, however, taking a sympathetic view and considering petitioner to be mother of minor Paridhi Gupta, who is residing with her father and grandparents, this Court permitted her to interact with her minor daughter by virtual mode till she was in Patna.

Petitioner is an employee of the Jawahar Navodya Vidhalya Samiti and autonomous institution under the Ministry of Education, Government of India and posted at Mumbai.

Respondent no.4 who is the father of the minor girl has appeared in this case through his counsel and has also filed counter affidavit in which it has been stated that the marriage



between petitioner and respondent no.4 has been dissolved by mutual consent by a decree of divorce passed by Principal Judge, Family Court, Mumbai at Bandara in which custody of the child has been given to the father with a visiting right to the mother once in a month at the residence of respondent no.4. and respondent no.4 has never prevented petitioner from meeting her daughter in terms of the decree of divorce.

When the matter was taken up today, it was accepted by both the parties that pursuant to order passed by this Court, petitioner interacted with her minor child by virtual mode and now petitioner has returned to her place of work in Mumbai as such, no purpose will be served by keeping this matter pending any further, accordingly, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.10.2020
Transmission Date	NA

