

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.361 of 2020

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

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AMIT KUMAR SONI Son of Shyam Nandan Prasad Resident of Village-
Sharda Basti, P.S.- Gardanibag, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, BIHAR,
HOME DEPARTMENT, . BIHAR PATNA
 2. The Director General of Police, Bihar, Patna.
 3. The Inspector General of Police (Central), Patna Office Address- Police
Control Room Campus, North Gandhi Maidan, Patna- 800001.
 4. The Senior Superintendent of Police, Patna Office Address- Police Control
Room Campus, North Gandhi Maidan, Patna.
 5. The Superintendent of Police (Central), Patna Office Address- Police
Control Room Campus, North Gandhi Maidan, Patna- 800001.
 6. The Office- in-charge of Gardanibag Police Station, Patna- 800001
 7. Ranvijay Rai Son of Not Known (Father-in-Law)
 8. Basanti Devi Wife of Ranvijay Rai (Mother-in-Law)
 9. Rohit Kumar Son of Ranvijay Rai (Brother- in- Law)
 10. Pawan Rai Profession- Assistant in Collectorate Patna is Brother of
Ranvijay Ray (Cousin Father-in Law),
 11. Navin Rai Profession- A.S.I. in Bihar Police posted at Secretariat Patna is
Brother of Ranvijay Rai (Cousin Father-in-Law)
 12. Vinay Rai is Brother of Ranvijay Rai (Cousin Father -in-Law)
 13. Prem Rai is Brother of Ranvijay Rai (Cousin Father-in-Law)
- Respondent nos.7 to 13 are Residents of Village- Mahua Bag, P.O.-
Dhanaut, P.S.- Rupaspur, District- Patna- 801506

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC to AG

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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 : 04-11-2020

Heard the parties.

Petitioner has prayed for following reliefs:-

“I. Issuance of an appropriate writ in the nature of habeas corpus preferred for directing respondent authorities to produce allegedly confined girl namely Khushbu Kumari aged about 21 years old who is in house arrest by respondent nos.7 to 13 is the legal wedded wife of the petitioner whereby the petitioner tried to regain custody of his wife to lodge an FIR before the respondent no.6 but respondent authorities did not take any legal action against the respondents no.7 to 13.

II. Issuance of an appropriate writ in the nature of mandamus preferred for directing respondent authorities to register the FIR of the petitioner and take proper legal action against the private respondents.

III. Issuance of any other appropriate writ (s) order(s) , direction (s) as may be deemed fit and proper in the facts and circumstances of the case.”

Petitioner claims to have solemnized marriage with Khushbu Kumari and in support of which, he has enclosed a certificate issued by Marriage Officer, Patna. He has further alleged that his legally wedded wife who is major has been illegally and unlawfully confined by her parents and other family members against her wish.

Counter affidavit has been filed on behalf of State in which it has been stated that the matter was inquired by the concerned police station and the statement of the victim was recorded in which she has stated that she is residing with her parents out of her own volition and choice, in such circumstances, this Court is not inclined to continue present proceeding any further.



Petitioner if so advised, may approach the Family Court, Patna in order to establish that Khushbu Kumari is major and is his legally wedded wife and can take recourse to Section 9 of the Hindu Marriage Act for restitution of his conjugal rights.

With aforesaid liberty and observation, writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2020
Transmission Date	NA

