

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.443 of 2021

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

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Deepak Singh, Son Of Late Krishna Bhagwan Singh, Resident Of- R.K. Puram, Balaji Nagar, Saguna More, P.O.- Danapur Cantt, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. Of Bihar, Main Secretariat, Patna Bihar
2. The D.G.P. Government Of Bihar
3. D.M. Patna
4. S.S.P., Patna
5. S.P.(West), Patna
6. S.D.M., Danapur
7. DY.S.P. Danapur
8. SHO, Danapur P.S.
9. Sri Megh Nath Gupta, S.I. Danapur P.S.
10. Lady Constable of Kotwali P.S. (Mobile No. 8210322903), Patna
11. Suman Singh D/O Ram Kumar Singh @ Ram Singh
12. Ram Kumar Singh @ Ram Singh Son of Late Ram Ishwar Singh
13. Neha Singh D/O Ram Kumar Singh
14. Savita Singh W/O Ram Kumar Singh
15. Amrita Singh D/O Ram Kumar Singh
16. Aditya @ Pratham Kumar

All are resident of Partipukur Road, No. 58, Wasik, Next Lane, Kolkata, West Bengal-700012.

Permanent Address- Resident of Rampur, P.O. and P.S. Barhara, District- Bhojpur, Ara

17. Babloo Singh, Son of not known, Village- Khagaria, P.O., P.S. and District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Daya Shankar Prasad, Advocate
For the Respondent/s : Mr. P.N.Sharma, AC to AG.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-03-2021 Petitioner has prayed for the following relief(s):-

“That this writ application is being preferred invoking the equitable Jurisdiction of this Hon'ble Court for administering conscionable justice EX-DEBITO JUSTICE" & for grant of inter-alia the following reliefs:-

i) Issuance of an appropriate writ(s), order(s), or direction(s) in the nature of Habeas Corpus to produce the wife and minor daughter (aged about 4 years) of the petitioner, who have since been abducted and taken away forcibly in the night of 14.10.2020 at about 9 P.M. in absentia of the petitioner, at the callous call given by Sri Megh Nath Gupta, SI, Danapur repeatedly on mobile (No. 8210322903) of the petitioner reprimanding him variously to be booked and jailed in the event of not doing Bidai.

Vis-a-vis the entire operation conducted with the connivance of the private respondent aforementioned as the parents of his wife were on the helm of affairs at the said police station, Danapur conspiring together to execute the operation of alleged forcible bidagari of his wife and daughter alike, despite resistance put forth by the inmates (Bhabho) of the petitioner.

ii) Issuance of an appropriate writ(s), order(s), or direction(s) in the nature of rule nisi/certiorari as to why the concerned authorities particularly respondent no. 9 (Megh Nath Gupta, S.. Danapur



P.S.) who remained instrumental in abetting the crime by causing forceful confinement and wrongful restraint to the wife and minor female child of the petitioner at the behest of the private respondents (Father-in-law and mother-in-law of the petitioner for. Vis-a-vis defying a rule of law by public servant punishable under section 166 of I.P.C. (Public servant disobeying law with intent to cause injury to any person) 166-A (Public servant disobeying direction under law) 167 (Public servant framing an incorrect document to cause injury), be proceeded with in accordance with law.

iii) Issuance of an appropriate writ(s), order(s), or direction(s) in the nature of certiorari, as to why the respondent government machinery particularly, the D.M. Patna/S.D.M., Danapur Respondent no. 3 and 6 be not direct to take an appropriate steps under section 98 of the Cr.P.C. for immediate restoration of the abducted woman and the minor child kept under unlawful detention in view of the facts and circumstances of this case.

iv) Issuance of an appropriate writ(s), order(s), or direction(s) in the nature of certiorari, or any other appropriate writ(s) or direction(s) as to why a full proof probe be not made by constituting a (Special Investigation team) in the manner in which the petitioner was cajoled with threatened perception to get him booked and failed, if he did not succumb to their command and carry out their dictates and to get in readiness for Bidai of his wife and minor daughter of the petitioner forcing him repeatedly to turn up at the said police station, Danapur, alongwith his minor



daughter and wife forthwith.

Vis-a-vis the CDR if retrieved, may reveal as to how callously the life and liberty of the petitioner to live with dignity was jeopardized and imperiled heavily for no lawful cause as it was not open to concerned government machinery to indulge into such nefarious activities with utter connivance of the private respondents aforementioned wholly based on an extraneous concerned consideration.

v) Issuance of an appropriate writ(s), order(s), or direction(s) in the nature of certiorari as to why superior authorities (City S.P. west) and Dy. S.P. (Danapur) be not made accountable for their failure in dereliction of their duties to cope up with the situation to which the petitioner was confronted with, during the said relevant hour of call made by the petitioner, in its utter zeal to get reprieve from their ends, but to no consequence, as they remained recalcitrant, and showed their unwillingness to extend any help stating "यह तुम्हारा समस्या है, हम क्या कर सकते हैं" and hung up the call.

vi) Issuance of an appropriate writ(s), order(s), or direction(s) in the nature of certiorari, as to why the petitioner be not compensated adequately for causing not only embarrassment but shocked terribly as to whether police officers who are the custodian of law and order should have the greatest respect for the personal liberty of the citizen and should not flout the law by stooping to such bizarre acts of lawlessness.

Vis-a-vis custodian of law should not be deprecator of civil liberties, their duty is to protect



and not to abduct in the manner, the house wife of the petitioner and his minor child was subjected to, causing an irreparable loss and injury of the worst order requires to be dealt with severely in accordance with law.

Vii) Issuance of an appropriate writ(s), order(s), or direction(s) which your lordship may deem fit and proper in the facts and circumstances of this case.”

Having heard learned counsel for the petitioner, we are convinced that the present petition is nothing, but an abuse of process of law.

The petitioner has concealed relevant material from the Court. The dispute is *inter se* the husband and the wife. The petitioner, namely, Deepak Singh, claims that his wife, namely, Suman Singh, is illegally detained by her parents, private respondents herein. However, from the affidavit filed by a senior police officer (I. P. S.), it emanates that the matter is purely civil in nature, arising out of a family dispute. During the course of investigation, it so emerged that the wife expressed her willingness and went on her own accord stating her desire of residing with her parents at Kolkata for undertaking better treatment.

We notice that the petitioner has also filed a complaint case before the Court of learned ACJM, Danapur (Patna) and



has already exhausted the remedies per law. Such fact was not disclosed in the petition in the manner it ought to have been.

Be that as it may, the custody of the wife, who is presently residing with her parents at Kolkata, cannot be said to be, in any manner, illegal and she is under no illegal detention warranting interference by this Court.

As such, the present petition, devoid of any merit, stands dismissed.

Interlocutory application, if any, shall also stand dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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