

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.90 of 2021

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

MD. RAJA SHEKH Son of - Md. Rahmat Resident of -Lalbandi, Ward No. 1,
Jamunia Urf Mayurwa, P.S. and P.O. - Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home Govt. of Bihar, patna Bihar.
3. The Director General of Police, Govt. of Bihar, Patna. Bihar
4. The Superintendent of Police, Sitamarhi, District - Sitamarhi Sitamarhi.
5. The Station House Officer (S.H.O.) Sonbarsa, District - Sitamarhi. Sitamarhi
6. Nidhi Kumari D/O Shri Lal Babu Prasad Resident of Ward No. 11,
Sonbarsa, P.S.- Sonbarsa, District - Sitamarhi.
7. Shri Lal babu Prasad Son of Ram Chandra Mahto Resident of - Ward No.
11, Sonbarsa, P.S. - Sonbarsa, District - Sitamarhi.
8. Shri Brijesh Mahto Son of - Lal Babu Prasad Resident of - Ward No. 11,
Sonbarsa, P.S. - Sonbarsa, District - Sitamarhi.
9. Shri Rajesh Mahto Son of Lal babu Prasad Resident of - Ward No. 11,
Sonbarsa, P.S. - Sonbarsa, District - Sitamarhi.
10. Shri Shyam Mahto Son of Late - Ram Chandra Mahto Resident of - Ward
No. 11, Sonbarsa, P.S. - Sonbarsa, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jawed Gaffar Khan
For the Respondent/s : Mr.A.G

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



(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 09-02-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

"(I) For issuance of an appropriate writ(s), order(s) or direction(s) for directing the respondents to produce the legal wife (Respondent NO. 6) of the petitioner from the possession of Respondent No. 7 to 10. Who have taken my legal wife from my native village on 15.07.2020.

(ii) For issuance of an appropriate writ, order or direction for directing the respondents to take all coercive measures against Respondent No. 7 to 10 for production of my legal wife (Respondent No. 6) of petitioner."

Petitioner has filed this writ petition in nature of *habeas corpus* to produce his legally wedded wife who is under illegal confinement of her father and brothers (respondent nos. 7 to 10), against her wish and desire.

It is submitted on behalf of State that petitioner has alleged his wife to have been confined by her parents which cannot be said to be unlawful confinement and as such *habeas corpus* petition is not maintainable.

Having heard learned counsel for the petitioner as well as learned counsel for the State, the writ petition is disposed of with liberty to petitioner to approach the concerned Family Court for redressal of his grievances under Section 9 of the Hindu Marriage Act, for restitution of conjugal right or any



appropriate forum as permissible in law.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2021
Transmission Date	NA

