

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.496 of 2021**

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Ravi Rana @ Ravi Singh Rana Son of Kanhaiya Singh Resident of Village
Jinoriya, P.S. - Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. Ritesh Singh @ Ritesh Son of Anugrah Singh Resident of Village Tejpura,
P.S. Obra District Aurangabad.
2. Sonakshi Kumari (Minor) D/O Ritesh Kumar who are at present in custody
of petitioner i.e. Ravi Rana Son of Kanhaiya Singh. Resident of village
Jinuriya P.S. Daudnagar, District Aurangabad.
3. Mahi Kumari (Minor) D/O Ritesh Kumar who are at present in custody of
petitioner i.e. Ravi Rana Son of Kanhaiya Singh. Resident of village Jinuriya
P.S. Daudnagar, District Aurangabad.
4. Yuvraj Kumar (Monor) Son of Ritesh Kumar who are at present in custody
of petitioner i.e. Ravi Rana Son of Kanhaiya Singh. Resident of village
Jinuriya P.S. Daudnagar, District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shailesh Kumar Singh
For the Respondent/s	:	Mr.Amarendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 12-05-2022 As per the direction of this Court, vide order dated

26.04.2022, both the children Mahi Kumari, aged six years and
Sonakshi Kumari aged about nine years were produced by the
petitioner. On query of the Court whether they want to live with
the petitioner or with their father Ritesh Singh @ Ritesh, both
the children replied that they are not willing to reside with their
father Ritesh Singh @ Ritesh. On asking the reason thereof,
both the children replied that there is danger of their life if they
are directed to reside with their father. As by the order of the



learned Principal Judge, Family Court dated 17.11.2021 the custody of the children was directed to be handed over to opposite party no.1, it appears that the will of the children could not be taken at the time of passing of the impugned order or during the pendency of the guardianship Case No. 02 of 2020.

It has been settled principle of law that while considering the petition for custody of children, the paramount consideration should be the welfare of the children.

As there is case against opposite party no.1 under Section 302/34 of the Indian Penal Code for committing murder of the mother of the children, in my view, it is not safe to hand over the custody of the children in the hands of opposite party no.1 Ritesh Singh @ Ritesh, more so when the children are not willing to go with their father.

Accordingly, the impugned order is set aside and civil miscellaneous petition is allowed.

(Nawneet Kumar Pandey, J)

HR/-

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