

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.164 of 2023

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

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Ranjan Kumar @ Ranjan Jha @ Ranjan Kumar Jha Son of Sri Umesh Jha
R/V- Banuchhappar, PS- Banuchhappar O.P Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Bihar, Patna
2. The Superintendent of Police, West Champaran, Bettiah
3. The Superintendent of Police, Purnea
4. Smt Nikita Kumari Duaghter of Sri Nirmal Jaiswal R/V- Dharhara Maharshi
Mehi Ashram Gate, P.S- Banmankhi Dist- Purnea 854202

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Advocate Mr. Abhishek Anand, Advocate Ms. Kanupriya, Advocate Ms. Sushmita Sharma, Advocate
For the Respondent/s	:	Mr. P. N. Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
and
HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE A. M. BADAR)

2 13-02-2023 We heard the learned counsel appearing for the petitioner. The petitioner is husband. By filing this writ of habeas corpus is seeking custody of his four and half years son born through respondent No.4 Smt. Nikita Kumari who happens to be his natural mother. The petitioner has placed reliance on the Judgment of this Court in the matter of *Smt. G.S.S. Sitara V. State of Bihar and others* reported in *2022 (3) BLJ 274* and contended that the petitioner can resort to the extraordinary



jurisdiction of this Court for procuring custody of his minor son. It is further argued that the petitioner has availed alternate remedy for getting custody of his minor son by filing necessary applications before the concerned Court but no fruitful purpose was served.

We have considered the submissions so advanced. We have also perused the Judgment cited by the learned counsel for the petitioner which had proceeded on its own facts. In the case in hand, the respondent No.4 is natural mother of the minor child and, therefore, it cannot be said that the minor child is under illegal detention of his biological mother. Who is entitled for custody of the minor child is a question to be determined by the appropriate Court in appropriate jurisdiction and considering nature of disputed facts involved in this petition, we refuse to entertain the instant petition. Hence, the petition is rejected.

(A. M. Badar, J)

(Chandra Shekhar Jha, J)

Mkr./-
S.Katyayan/-

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