

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1244 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- NADI P.S. District- Patna

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TUNTUN KUMAR S/O BAIJU PRASAD YADAV @ BAIJU SINGH R/O
Village- Nizampur, P.S- Didarganj, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna. Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Senior Superintendent of Police, Patna. Bihar, Patna.
4. The Officer-In-Charge of Nadi Police Station, Fatuha, Patna. Bihar
5. Md. Mustak S/O Md. Iliyas R/O Village- Sabalpur, P.S- Nadi, Distt.- patna.
6. Sadiya Praveen W/O Tuntun Kumar, D/O Md. Iliyas At present residing in the house of Manoj Kumar Tyre Shop, Near Check Post, Didarganj, P.S- Didarganj, no. 44, Post Office- Kachidargah, Distt.- patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv
For the Respondent/s : Mr.P.K. Shahi (AG)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 30-10-2023

The petitioner has filed the present criminal writ application for issuance of a writ in the nature of *Habeas Corpus* directing the respondent no. 5 (Md. Mustak) to produce the petitioner's wife in the court.

2. The petitioner claims that he is the husband of respondent no. 7 (Sadiya Praveen), who has been illegally detained by her father Md. Mustak (respondent no. 5). It appears



from the pleadings and annexures on record that for the kidnapping of respondent no. 6 (Sadiya Praveen) an FIR was also filed by respondent no. 5 (Md. Mustak).

3. Learned counsel appearing on behalf of the petitioner has submitted that a false case has been registered and that respondent no. 6 (Sadiya Praveen) is a major. Reliance has been placed on PAN Card and AADHAR Card of respondent no. 6 to contend that respondent no. 6 is major. Further, reliance is also being placed on a certificate of marriage said to have been issued by the Marriage Officer, Patna (Annexure-5).

4. Learned counsel for the petitioner submits that respondent no. 6 is an educated lady. No entry of date of birth in matriculation examination/school register has, however, been brought on record. Whether respondent no. 6 is a minor or a major is a question which is yet to be decided and adjudicated upon.

5. We are not inclined to entertain this criminal writ application based on the facts which have been alleged in the present writ application. Noticeably, a criminal case is pending against the petitioner, for an offence punishable under Section 366(A) of the Indian Penal Code.

6. This criminal writ application is, accordingly,



dismissed.

7. However, the petitioner shall be at liberty to take recourse to any other provision of law including Section 98 of the Cr.P.C for redressal of his grievances.

(Chakradhari Sharan Singh, J)

(Nawneet Kumar Pandey, J)

ranjan/HR-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

