

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1280 of 2023

Arising Out of PS. Case No.-118 Year-2021 Thana- MANSURCHAK District- Begusarai

SANDEEP KUMAR CHANDAN SON OF SRI JAGAT NARAIN MAHTO
Resident of village - Mansurchak, ward no. 15, P.s. - Mansurchak, Distt. -
Begusarai

... ... Petitioner

Versus

1. The State of Bihar through the Secretary, Ministry of Home, Government of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Superintendent of Police, Distt. - Begusarai Bihar
4. The S.H.O. P.s. - Mansurchak, distt. - Begusarai Bihar
5. Mamta Kumari D/o Baidaihi Sharan Singh Resident of Patna, P.s. - Agamkuan, distt. - Patna, Presently at working as Anchal Adhikari Anchal Karayalya Mansurchak, P.s. - Mansurchak, Distt. - Begusarai
6. Pawan Kumar Singh Son of Lakhan Prasad Singh Resident of village - Gokulchak, P.s. - Harpur, Distt. - Munger the then S.H.O. Of P.S. Mansurchak, Distt.- Begusarai
7. Dhananjay Pandey Son of Late Ramji Pandey Resident of village - Gharhi Baghi, Baniyapur, Chhapra, Saran, then working as A.S.I. at Mansurchak, at P.s. - Mansurchak, Distt. - Begusarai
8. Manoj Kumar Singh Son of Late Raj Kumar Singh Vill and P.S. - Shahjahanpur, Distt. - Patna presently working at P.s. - Mansurchak as A.S.I. Distt. - Begusarai
9. Dr. Hare Ram Mahto Son of Not Known R/o Ganj Road, Dalsingh Sarai, P.S. - Dalsingh Sarai, Distt. - Samastipur
10. Satnarayan Mahto Son of Late Sonelal Mahto Resident of village - Hawaspur, P.s. - Mansurchak, Distt. - Begusarai
11. Sobha Devi Wife of Late Lakhan Mahto Resident of village - Hawaspur, P.s. - Mansurchak, Dist.- Begusarai
12. Shanti Devi Wife of Satnarayan Mahto Resident of village - Hawaspur, P.s. - Mansurchak, Distt. - Begusarai
13. Bindeshwari Mahto Son of Late Ghamandi Mahto Resident of village - Hawaspur, P.S. - Mansurchak, Distt. - Begusarai
14. Inderjeet Kumar Son of Satrudhan Mahto Resident of village - Bajopur, P.s. - Mansurchak, Distt. - Begusarai
15. Raj Kumar Malakar @ Chikku Son of Gautam Bhagat Resident of village - Mansurchak, Distt. - Begusarai
16. Pankaj Gupta Son of Mantun Gupta Resident of village - Mansurchak, Dist. - Begusarai
17. Mahesh Kumar Son of Bhola Tanti Resident of village - Rampur, P.s. - Paharpur, Dist. - Lakhisarai
18. Ranju Kumari D/o Late Lakhan Mahton Resident of village - Hawaspur, P.s. - Mansurchak, Distt. - Begusarai

... ... Respondents

Appearance :

For the Petitioner/s : Mr. Kumar Malendu, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to A.G.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

**and
HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 31-10-2023 The petitioner has filed the present Criminal Writ application, seeking issuance of a writ in the nature of writ of Habeas Corpus, directing respondents No. 1 to 4 to trace, search and recover respondent No.-18 from illegal custody of respondent Nos. 5-17. The petitioner claims to be the husband of respondent No. 18.

2. From the pleadings on record, it is evident that it is the petitioner's own case that his wife has solemnized marriage with respondent No. 17, without dissolution of marriage with him.

3. Learned counsel appearing on behalf of the petitioner has argued that it is an admitted position that respondent No. 18 was married to the petitioner which is evident from the fact that a case was instituted by the mother of respondent No. 18 against the petitioner for the offence punishable Section 498A and other provisions of the IPC. He submits that as the respondent No. 18 is the petitioner's wife and

she is still traceless, this Court should issue a writ of Habeas Corpus to respondents No. 1 to 4, requiring them to produce respondent No. 18 before this Court.

4. On a bare perusal of the pleadings in the writ petition, it is apparent that there is matrimonial dispute between the petitioner and the respondent No. 18.

5. In the facts and circumstances of the case, we are satisfied that the petitioner by choosing to file a Criminal Writ application before this Court, seeking direction for issuance of writ of Habeas Corpus has abused the process of the Court.

6. In the Court's opinion, this writ application deserves to be dismissed with a cost and is accordingly dismissed.

7. In the facts and circumstances of the case, the petitioner shall be required to pay a sum of Rs. 5,000/- as cost, to be deposited in the account of the Bihar State Legal Services Authority within two weeks.

(Chakradhari Sharan Singh, J)

(Nawneet Kumar Pandey, J)

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