

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1588 of 2023

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

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ABHISHEK KUMAR Son of Ravindra Kumar Singh Resident of Village-Mojhi, Raghunand, Sahadi Buzurg, P.S.-Sahadi Buzurg, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna. Bihar
2. The District Magistrate, Vaishali at Hajipur. Vaishali
3. The Superintendent of Police, Vaishali at Hajipur. Vaishali
4. The Officer in Charge, Desari Police Station, Vaishali at Hajipur. Resident of Village-Sarai Dhanesh, P.O.-Sahadei Buzurg, P.S.-Desari, District-Vaishali.
5. MAHESH RAI Son of not known to the Petitioner Resident of Village-Sarai Dhanesh, P.O.-Sahadei Buzurg, P.S.-Desari, District-Vaishali.
6. BERAJU DEVI Wife of Mahesh Rai Resident of Village-Sarai Dhanesh, P.O.-Sahadei Buzurg, P.S.-Desari, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shivnandan Bharti, Advocate
For the Respondent/s : Mr.P.K.Shahi(A.G.)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 18-12-2023 In the instant petitioner, petitioner has prayed for the following relief(s):-

“(A) A writ in the nature of HABEAS CORPUS or any other appropriate writ/s, order/s direction directing the respondents to produce wife of the petitioner namely Rupam Kumari, W/o Abhishek Kumar, D/o Mahesh Rai – Respondent Nos. 5 & 6, who has been from the house of the petitioner.



(B) A writ of the nature of MANDAMUS or any other appropriate writ/direction directing the official to provide the adequate security to the petitioner and Rupam Kumari as they have solemnized inter-caste marriage and her father in collusion with officials threatening the petitioner either to implicate him in false and fabricated case along with the whole family members or to kill them.

(C) To any other relief/s to which the petitioner is found entitled to.”

2. On our request, police authorities have brought *Rupam Kumari* and her parents. Petitioner – *Abhishek Kumar* is also present in the Court.

3. We have posed questions about age and marriage of *Rupam Kumari* to both *Rupam Kumari* and to her parents. There are no discrepancy in respect of age as well as date of marriage. After marriage among *Abhishek Kumar* and *Rupam Kumari*, she is stated to have returned to her parents house due to pressure.

4. *Rupam Kumari's* mother in the open Court made a submission that in the event of *Rupam Kumari* is living with *Abhishek Kumar*, in that event she shall not return to her house. Despite these facts and circumstances, *Rupam Kumari* who is present made a submission that she wants to join her husband - *Abhishek Kumar*. Both *Abhishek Kumar* and *Rupam Kumari* are major as on the date of their marriage, i.e., on 31.01.2022.



5. Both *Abhishek Kumar* and *Rupam Kumari* are hereby directed to give an undertaking that they would stay together. Petitioner - *Abhishek Kumar* has to give an undertaking that he will take care of *Rupam Kumari* with all love and affection, he will not hurt her feelings in any manner.. In view of these development the present proceedings stands dropped.

6. Jurisdictional Police station Sahadi Buzurg O.P., Desari(thana) P.S. are hereby directed to give protection to the *Abhishek Kumar* and his wife *Rupam Kumari* and see that they shall not interfere with their civil liberties.

7. Copy of the order shall be made available to the jurisdictional Senior Superintendent of Police, Vaishali, to give proper instructions to his/her sub-ordinates.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

abhishekk/-

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