

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.479 of 2024

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

Ranjay Kumar SON OF MISRI RAY Village -Rustampur P.S- Rustampur
Distt- Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME DEPT. GOVT. OF BIHAR, PATNA BIHAR
2. THE DISTRICT MAGISTRATE, PATNA AT PATNA BIHAR
3. THE SUPERINTENDENT OF POLICE, PATNA AT PATNA BIHAR
4. THE OFFICER-IN-CHARGE, DIDARGANJ POLICE STATION, PATNA BIHAR
5. SATISH PRASAD NA RESIDENT OF VILLAGE- GULMAHIYA, BAG, PO- KACHHI DARGAH, PS- FATWAH, DISTT- PATNA
6. SUNITA DEVI WIFE OF SATISH PRASAD RESIDENT OF VILLAGE- GULMAHIYA, BAG, PO- KACHHI DARGAH, PS- FATWAH, DISTT- PATNA
7. ANSHU KUMARI WIFE OF RANJAY KUMAR . D/O- SATISH PRASAD RESIDENT OF VILLAGE- GULMAHIYA BAG, PS- FATWAH, PATNA

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Adv.
For the Respondent/s : Mr.Ag

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 29-03-2024

In the instant petition, 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 Anshu Kumari, W/O-Ranjay Kumar, D/O Satish Prasad, respondent nos. 5 & 6 who has been from the house of petitioner.

B. A writ of Mandamus or any other appropriate writ/direction directing the official to provide the adequate security to the petitioner and Anshu Kumari as they have solemnized their marriage under Special Marriage Act, 1954 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 relief/s to which the petitioner is found entitled to.

2. Petitioner is stated to have married 7th respondent-Anshu Kumari. For the purpose of verification and consent of the 7th respondent, we had requested the jurisdictional police authority to secure 7th respondent-Anshu Kumari and produce. Prachi Kapoor, P.S.I., Didarganj police station has produced 7th respondent-Anshu Kumari.

3. We have posed a question to Anshu Kumari, who is present in camera proceedings, as to whether is she willing to join her alleged husband-Ranjay Kumar or not. She



has expressed unwillingness. Having regard to the fact that she is a major, she can take decision on her own. She has expressed that she is not willing to join the petitioner. In such circumstances, question of directing the 7th respondent-Anshu Kumari to join petitioner is impermissible.

4. Accordingly, the present Cr.W.J.C. stands dropped.

5. Petitioner shall not abuse or take any action against the 7th respondent-Anshu Kumari physically or mentally. However, he is entitled to make necessary petition before the family court for restitution of conjugal rights.

6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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