

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1045 of 2024

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

BIPIN BIHARI LAL SON OF LATE UJAGIR PRASAD RESIDENT OF MOHALLA MISHRA BAJAR, NEAR RAI HOTEL, DISTRICT - GAJIPUR (UTTAR PRADESH), PRESENTLY RESIDING AT HOUSE NO. 17, TYPE-III, COLONY NO. 2, GOVERNMENT OPIUM AND ALKALOID FACTORY, DISTRICT - GAJIPUR (UTTAR PRADESH)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE SECRETARY (HOME), GOVT. OF BIHAR, PATNA BIHAR
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
3. THE SUPERINTENDENT OF POLICE, ROHTAAS AT SASARAM BIHAR
4. THE OFFICER IN-CHARGE (SHO), SASARAM POLICE STATION, DISTRICT - ROHTAS BIHAR
5. PRIYANKA SHRIVASTAVA DAUGHTER OF SACHINDRA NATH SHRIVASTAVA RESIDENT OF MUHALLA - NIRALA NAGAR, GARWAR ROAD, DISTRICT - BALLIA (UTTAR PRADESH), PRESENTLY RESIDING AT AWADHESH ABHA NIWAS, BEHIND C.M.C. KALI ASTHAN, P.S. - SASARAM, DISTRICT - ROHTAS
6. YASH SHRIVASTAVA SON OF BIPIN BIHARI LAL RESIDENT OF MUHALLA - NIRALA NAGAR, GARWAR ROAD, DISTRICT - BALLIA (UTTAR PRADESH), PRESENTLY RESIDING AT AWADHESH ABHA NIWAS, BEHIND C.M.C. KALI ASTHAN, P.S. - SASARAM, DISTRICT - ROHTAS

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kanak Verma
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 : 01-07-2024

In the instant petition, petitioner has prayed for the following
relief (s):-

*1. For issuance of writ of habeas corpus
or any other appropriate writ, order or*



direction, directing the respondents for production of the Respondent No. 6 Yash Shrivastava who is the son of the petitioner before this Hon'ble Court and further be pleased to set him at liberty by handing him to the petitioner.

(ii) For further issuance of direction/order to the Respondents to provide visiting rights to the petitioner while pendency of the present writ application.

(iii) For issuance of any other relief, as are deemed, fit in the facts and circumstances of the present case.

2. Petitioner's son, 6th Respondent- Yash Shrivastava, stated to have married 5th Respondent- Priyanka Shrivastava. There were certain difference of opinion among themselves resulted in filing multiple litigations under the Family Courts Act. It is stated to have been resolved in the year 2019 to the extent of decree of divorce. In this regard, petitioner who is father of 6th respondent has filed the present habeas corpus petition with reference to the fact that he has not seen his son, 6th Respondent- Yash Srivastava, from the year 2008. Taking note of these facts and circumstances, the present habeas corpus petition is not maintainable having regard to the enormous delay from the year 2008 to 2024. The petitioner cannot apprise this Court with reference to later development to the extent that there were certain disputes among the 5th and 6th Respondents in respect of matrimonial and after dissolution of their marriage the



petitioner’s grievance relating to habeas corpus to recover 6th

Respondent and handed over to petitioner is State claim.

3. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2024
Transmission Date	NA

