

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1029 of 2024

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

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DHARMAVIR DAS SON OF DINESH PRASAD DAS RESIDENT OF
VILLAGE - BHARDRESHWAR, WARD NO. 01, POLICE STATION -
JOGBANI, DISTRICT - ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
2. THE OFFICER IN-CHARGE, BARHARA KOTHI POLICE STATION WITHIN THE DISTRICT OF PURNIA BIHAR
3. THE SUPERINTENDENT OF POLICE, ARARIA, DISTRICT - PURNIA BIHAR
4. THE DEPUTY INSPECTOR GENERAL OF POLICE, PURNIA BIHAR
5. THE INSPECTOR GENERAL OF POLICE, DARBHANGA BIHAR
6. THE ADDITIONAL DIRECTOR GENERAL OF POLICE (WEAKER SECTION), BIHAR, PATNA BIHAR
7. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
8. VIREN PRASAD DAS SON OF LATE GANGA PRASAD DAS RESIDENT OF VILLAGE - BARHARA KOTHI, POLICE STATION - BARHARA KOTHI, DISTRICT - PURNIA
9. VIMLA DEVI WIFE OF VIREN PRASAD DAS RESIDENT OF VILLAGE - BARHARA KOTHI, POLICE STATION - BARHARA KOTHI, DISTRICT - PURNIA

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.A.G

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

5 03-07-2024 None appears for the petitioner.

2. Petitioner has prayed for the following relief(s):-



“a. For issuance of a writ of Habeas Corpus against the respondents for release the wife of the petitioner from the respondents no. 8 and 9.

b. For issuance of a direction that during the pendency of this application the respondents’ authority may direct to produced the victim – wife of the petitioner before this Hon’ble Court in accordance with law.

c. For issuance of a direction to the respondents’ authority to enquire the matter and take appropriate action against the real culprits.

d. For any other relief or reliefs as deemed fit and proper in the interest of justice.”

3. The present *Habeas Corpus* is not maintainable in view of the fact that *Kiran Devi* who is wife of the petitioner - *Dharmavir Das* both are aged about 45 years plus and they have two sons aged about 24 and 18 years respectively.

4. In this background, we have posed a question to *Mrs. Kiran Devi* as to is she willing to join her husband for which she has expressed that she intends to stay back with her parents, for the reasons that petitioner is harassing both mentally and likely to harass physically.

5. Taking note of these facts and circumstances, the present *Habeas Corpus* petition is not maintainable. Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to invoke remedy under Hindu Marriage



Act, 1955 before appropriate forum if he so desires.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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