

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1551 of 2024

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

Hemant Kumar Son of Gajendra Maharaj R/V- VILLAGE- SANGI, P.O.- SANGI, P.S.- PHUL PARAS, DISTT.- MADHUBANI AT PRESENT ADDRESS OF MOHALLA- SANJAY NAGAR, ROAD NO. 1, MITHAPUR, P.S.- JAKKANPUR, DISTT.- PATNA (BIHAR)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH THE HOME SECRETARY, GOVERNMENT OF BIHAR, PATNA BIHAR
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
3. THE SUPERINTENDENT OF POLICE, MADHUBANI MADHUBANI, BIHAR
4. THE SUPERINTENDENT OF POLICE, NORTH WEST DELHI-110086 NORTH WEST DELHI
5. THE D.Y.S.P.
6. THE S.H.O OF PHUL PARAS, DISTT.-MADHUBANI BIHAR
7. THE S.H.O OF PREM NAGAR P.S., DISTT.- NORTH WEST DELHI DELHI
8. RAJ KUMAR MAHARAJ R/V- VIDYAPATI NAGAR, GALI NO. 8 , NEAR BOYS AND GIRLS HIGH SCHOOL, BLOACK-A, INDRA ENCLAVE PHASE-2, MUBARAKPUR, P.S.- PREM NAGAR, KIRARI DAWAS, DELHI-110081
9. SMT. NIKITA WIFE OF HEMANT KUMAR, D/O- RAJ KUMAR MAHARAJ R/V- VIDYAPATI NAGAR, GALI NO. 8 , NEAR BOYS AND GIRLS HIGH SCHOOL, BLOACK-A, INDRA ENCLAVE PHASE-2, MUBARAKPUR, P.S.- PREM NAGAR, KIRARI DAWAS, DELHI-110081

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Budhilal Yadav
For the Respondent/s : Mr.S.C.28

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

Date : 26-07-2024



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

(I) For issuance of writ/writs, order/orders, direction/directions, in the nature of Habeas Corpus for commanding the respondent, particularly the respondent no- 8 to immediately release the respondent no- 9 (wife of the petitioner) have been illegally confine the respondent no- 9 wife of the petitioner as well as two minor children of the petitioner, by the father-in-law of the petitioner.

II. For further prayed for direction upon the respondent particularly the respondent no- 3 and 4, to recover the wife of the petitioner (Res. No-9) as well as two minor children namely, Piyush Kumar and Aayush Kumar, aged about 6yrs, and 5yrs, they have been illegally confined by the father-in-law of the petitioner i.e. (Res. No-8) whereas the respondent no- 9, is the legally wedded wife of the petitioners.

III. For further and other relief/reliefs, order/orders, direction/directions, in a nature of Habeas Corpus, may deem fit and proper with the facts and circumstances of this case.

2. Grievance of the petitioner is the Respondent No. 9 is in the control of her father whereas petitioner is the husband of Respondent No. 9. Admittedly, there are family



matter pending consideration before jurisdictional forum. In this backdrop, question of entertaining the present Cr.W.J.C. No. 1551 of 2024 for habeas corpus is not warranted. The scope of habeas corpus is limited to the extent that if person is illegally under the custody or missing in such of those matters only this Court can entertain Cr.W.J.C. No. 1551 of 2024 / habeas petition.

3. Learned counsel for the petitioner vehemently contended that Respondent No. 9 is not co-operating in the matrimonial case in respect of litigation filed under Section 9 of the Hindu Marriage Act, 1956. It is also submitted that they are in talking terms over telephone / mobile. Be that as it may, both Respondent Nos. 8 and 9 are not under the territorial jurisdiction of this Court so as to make endeavor asking the police authority to secure their presence and have interactions with the Respondent No. 9 to the extent of whether is she compelled to or under duress staying with her father or not. Such exercise cannot be undertaken for the reasons that both Respondent Nos. 8 and 9 are not under the territorial jurisdiction of this Court.

4. Accordingly, the present petition stands dismissed with the cost of Rs. 5,000/-. Cost shall be remitted in the Patna High Court Legal Services Committee within a period



of four weeks from today.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.07.2024.
Transmission Date	30.07.2024.

