

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1480 of 2024**

Arising Out of PS. Case No.-601 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Manish Bhaiya SON OF RAM BADAN SINGH VILLAGE- POKHARIA,  
NEAR BARI POKHAR, WARD NO. 39, PS- SADAR, DIST- BEGUSARAI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE ADDITIONAL CHIEF SECT. DEPT. OF HOME, GOVT. OF BIHAR, PATNA BIHAR
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
3. THE SENIOR SUPERINTENDENT OF POLICE, PATNA BIHAR
4. THE SUPERINTENDENT OF POLICE BEGUSARAI BIHAR
5. THE OFFICER-IN-CHARGE, PANDARAK POLICE STATION, DIST- PATNA BIHAR
6. THE OFFICER-IN-CHARGE, TOWN PS, DIST- BEGUSARAI BIHAR
7. SEWANTI DEVI WIFE OF LATE SHANTI MOHAN SHARMA VILLAGE- PANDARAK, PS- PANDARAK, DIST- PATNA
8. ASHTUTUI DAUGHTER OF MANISH BHAIYA VILLAGE- PANDARAK, PS- PANDARAK, DIST- PATNA

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Harsh Anuj  
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**

**ORAL JUDGMENT**

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

**Date : 25-07-2024**

In the instant petition, petitioner has prayed for the following

relief(s):

*(i) The respondent authorities may kindly be directed to produce the Corpus (Ashtuti the Respondent no. 8) who is now under the illegal custody of Respondent No. 7 and also*

*(ii) To facilitate the custody of Respondent no. 8 in favour of the petitioner.*

*Since the petitioner is the father of*



*Respondent no. 8 and the petitioner is the only legal/natural guardian of his daughter namely Ashtuti (Respondent No. 8).*

2. In order to render some justice on 22.07.2024, we have passed the following order:

*The Senior Superintendent of Police, Patna is hereby directed to secure 7<sup>th</sup> and 8<sup>th</sup> respondent and to make their presence on the next date of hearing in order to ascertain willingness of the 8<sup>th</sup> respondent about her stay with 7<sup>th</sup> respondent or not.*

*2. Police authorities are requested to approach the 7<sup>th</sup> and 8<sup>th</sup> respondents in civil dress and produce them.*

*3. List this matter on 25.07.2024.*

3. Despite the fact that petition is not maintainable insofar as issuance of habeas corpus direction to secure the 8<sup>th</sup> Respondent from the custody of 7<sup>th</sup> Respondent. 7<sup>th</sup> and 8<sup>th</sup> Respondent are present in the chamber. My brother (Mr. Justice Alok Kr. Pandey) interacted with the 8<sup>th</sup> Respondent minor girl. She has satisfied this Court to the extent that she has been taken care by the 7<sup>th</sup> Respondent. Perusal of the records, it is evident that petitioner was involved in criminal proceedings on the allegation that his role is alleged to have cropped up in a criminal case where 8<sup>th</sup> Respondent's mother was died in a suspicious manner. Therefore, prima facie, the present habeas corpus petition is not maintainable. Accordingly, petition stands dismissed. Reserving liberty to the petitioner to invoke remedy



under The Hindu Minority and Guardianship Act, 1956 before the concerned Jurisdictional forum. The Hon’ble Supreme Court in the case of *Vipin Sahni and another Vs- Central Bureau of Investigation* reported in *2024(2) PLJR 278 (SC)* elaborately discussed, if a party has a statutory remedy, he cannot resort petition under 482 of Cr.P.C. Taking note of the principle laid down in the above discussion, the present CRWJC is not maintainable.

(P. B. Bajanthri, J)

( Alok Kumar Pandey, J)

vashudha/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 29.07.2024 |
| Transmission Date | NA         |

