

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1674 of 2024

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

Abhishek Priyadarshi son of Ashok Kumar Singh R/o Mohalla-54 kusumpur colony P.s-Rupaspur, Danapur, Dist- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME DEPTT. GOVT. OF BIHAR, PATNA BIHAR
2. THE SENIOR SUPERINTENDENT OF POLICE, PATNA, BIHAR BIHAR
3. THE S.H.O. BUDDHA COLONY POLICE STATION, PATNA, BIHAR BIHAR
4. SWEETY SINGH WIFE OF ABHISHEK PRIYADARSHI VILLAGE-RESIDING AT G.M. TOWER, BLOCK-A, RAJAPUR PUL, PS- BUDDHA COLONY, DIST- PATNA

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
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 : 20-08-2024

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

(i) For issuance of a writ in the nature of Habeas Corpus directing the Respondent No. 4 to get detenue, Shivansh Kumar, son of the Petitioner released from the improper custody of the Respondent No. 4 and handed over his custody to



the petitioner being father and Natural Guardian.

(ii) For a direction to the Respondent No. 4 to allow the petitioner to meet his son since he is in appropriate custody of Respondent No. 4 living in her mother's house and not allowing the petitioner to meet his minor son.

(iii) For any other relief/s to which the petitioner be found entitled to in the facts and circumstances of this case and in the eye of the law.

2. Perusal of the petition, it is evident that Petitioner and 4th Respondent are husband and wife. Minor son is stated to be with 4th Respondent. 4th Respondent is not allowing petitioner to meet their minor son. In that regard, habeas corpus cannot be entertained. Petitioner has to invoke appropriate remedy before the jurisdictional court. Without exhausting such remedy, petitioner cannot invoke remedy under Article 226 of the Constitution, in particularly in filing habeas corpus petition. Further, we have to draw inference that after all the minor son is living with his natural mother. Accordingly, the present petition stands disposed of as not maintainable. Reserving, liberty to the petitioner to invoke remedy before appropriate forum. If



such application is submitted before the jurisdictional forum, the concerned jurisdictional forum is requested to decide the grievance of the petitioner at the earliest.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2024
Transmission Date	NA

