

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2081 of 2024

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

Purushotam Pandey S/o- Tribhuwan Pandey Resident of Village- Chailwa
Post- Gopalpur PS- Gopalpur, Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, HOME Dept. Govt. of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Deputy Inspector General of Police, Saran Division, Saran Bihar
4. The Superintendent of Police, Gopalganj Bihar
5. The SHO, Gopalpur, Mahila, Gopalganj Bihar
6. The SHO Gopalpur, Gopalganj Bihar
7. The I.O Gopalpur, Gopalganj Bihar
8. The I.O Gopalganj Mahila Bihar
9. Shri Prakash Rai Son of Late Harendra Rai Village- Chailwa Po- Gopalpur
Ps- Gopalpur Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Noushad Khan
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

5 28-11-2024 Pursuant to our order dated 25.11.2024, concerned parties are present. *Priya Rai* who is major and she is qualified with graduate We have specifically posed a question as to whether is she willing to join her husband in the light of prayer in the present petition. For which she has expressed her



willingness to the extent that she is not prepared to join petitioner and it is also alleged marriage is forced and it is not in accordance with law.

2. Petitioner – *Purushotam Pandey* is at liberty to invoke Section 9 of the Hindu Marriage Act, 1955 before the concerned jurisdictional Court or seek declaration from the competent Court that *Priya Rai* is legally wedded wife, if it is so advised. Accordingly, the present Cr.W.J.C. No. 2081 of 2024 stands disposed of.

3. At this stage, learned counsel for the Respondent No. 9 – *Shri Prakash Rai* submitted on instruction that the petitioner is abusing certain photographs in the social media which is affecting the reputation of the 9th Respondent and his family. In this regard, certain complaints were stated to have been registered. These issues cannot be adjudicated in the *Habeas Corpus* petition. Accordingly, such submission stands rejected. Liberty is granted to the 9th Respondent or to *Priya Rai* to agitate their rights before the jurisdictional forum.

4. At this juncture, learned counsel for the State submitted that petitioner has already invoke remedy of filing petition under Section 9 and it has been numbered as Matrimonial Case No. 149 of 2024 on the file of Principal



Judge, Civil Court, Gopalganj, in such circumstances petitioner cannot invoke parallel remedy like matrimonial case & *Habeas Corpus*.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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