

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2184 of 2024

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

Pallavi @ Pallavi Tripathy Wife of Rahul Tripathy, Daughter of Rakesh Kumar Trivedi Resident of H/o. Sri Umesh Kumar Singh (IGP), New Mahavir Colony, Beur, P.S. - Beur, District - Patna - 800002

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The District Magistrate, Patna Bihar
4. The Senior Superintendent of Police, Patna Bihar
5. The Officer-in-Charge of Beur Police Station, District - Patna Bihar
6. The Director General of Police, West Bengal having office address 325, Sarat Chatterjee Road, Shibpur, Howrah 711102
7. The S.H.O., Liluah Police Station, Howrah (West Bengal) 711204 West Bengal
8. The Detanue namely P Daughter of Rahul Tripathy a Minor Child, aged about 16 months, through her father Rahul Tripathy, presently residing at 2D, Netaji Subhas Road, Shantinagar, Compact Apartment, Block-D, Flat No. 203, 2nd Floor Liluah, P.S. - Liluah, District - Hawarh - 711204
9. Rahul Tripathy Son of Ratnesh Tripathy Resident of 2D, Netaji Subhas Road, Shantinagar, Compact Apartment, Block-D, Flat No. 203, 2nd Floor Liluah, P.S. - Liluah, District - Hawarh - 711204
10. Ratnesh Tripathy Son of Not known Resident of 2D, Netaji Subhas Road, Shantinagar, Compact Apartment, Block-D, Flat No. 203, 2nd Floor Liluah, P.S. - Liluah, District - Hawarh - 711204
11. Smt. Indu Tripathy Wife of Ratnesh Tripathy Resident of 2D, Netaji Subhas Road, Shantinagar, Compact Apartment, Block-D, Flat No. 203, 2nd Floor Liluah, P.S. - Liluah, District - Hawarh - 711204
12. Rohit Tripathy Son of Ratnesh Tripathy Resident of 2D, Netaji Subhas Road, Shantinagar, Compact Apartment, Block-D, Flat No. 203, 2nd Floor Liluah, P.S. - Liluah, District - Hawarh - 711204

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.A.G.



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

5 27-11-2024 On 30.10.2024, we have passed the following order:-

*“Pursuant to our previous order dated 23.10.2024, parties are present in the Court. Having regard to the fact that minor child aged about 16 months is being separated from her mother by child’s father and relatives and they are living separately and it is deprecated in view of the welfare of the child. Therefore, husband of petitioner – Rahul Tripathy accompanied by her mother are directed to hand over the minor child to the petitioner – Pallavi Tripathy. In the light of Hon’ble Supreme Court decision in the case of **Roxann Sharma vs. Arun Sharma** reported in (2015) 8 SCC 318 and in the case of **Pratyush Shastri vs. State of Rajasthan & Ors.** (D.B. Habeas Corpus Petition No. 292 of 2022).*

2. Respondent – Rahul Tripathy is hereby requested to hand over certain clothes and other materials of the child to his wife – petitioner - Pallavi Tripathy within a period of three days from today.

3. Relist this matter on 27.11.2024.”

2. Having regard to the relief(s) sought by the petitioner in the present petition is resolved. The respondent is at liberty to invoke appropriate remedy before the appropriate forum insofar as resolving family dispute.



3. With the above observation, the present Cr.W.J.C
No. 2184 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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