

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2249 of 2024

Arising out of PS. Case No.-70 Year-2024 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Anita Kumari Daughter of Pradeep Sonkar Resident of New Bus Stand,
Bettiah, P.S. - Bettiah, District - West Champaran, Bihar - 845438

... .. Petitioner/s

Versus

1. The State of Bihar through The Director General of Police, Bihar, Patna Bihar
2. Neha Kumari Wife of Santosh Kumar @ Sandeep Kumar, Daughter of Late Ram Kumar Prasad Resident of Ward No. 04, Juran Chhapra, M.I.T., P.S. - Brahmpura, District - Muzaffarpur, Bihar - 842003
3. Pammi Devi Wife of Dhiraj Sonkar Resident of Ward No. 04, Juran Chhapra, M.I.T., P.S. - Brahmpura, District - Muzaffarpur, Bihar - 842003
4. Santosh Sonkar Son of Late Ram Kumar Prasad Resident of Ward No. 04, Juran Chhapra, M.I.T., P.S. - Brahmpura, District - Muzaffarpur, Bihar - 842003
5. Shashank Kumar S/O-Santosh Kumar R/O- Ward No-04, Jurar Chhapra M.I T,P.S-Brahmpura Muzaffarpur, Bihar 842003
6. Superintendent of Police Bettiah Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. G.P.7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 14-11-2024

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

"(i) A writ in the nature of Habeas Corpus or any other appropriate writ/writs, order/orders, direction to release the husband of the petitioner as he has been unlawfully detained at Muzzafarpur by respondent No. 3-5



ignoring the fact that he is major and has voluntarily marriage with petitioner at his own choice.

(ii) A writ in the nature of Certiorari or any appropriate writ/writs, order/orders for quashing Patrank 295 dated 22.08.2024 by the learned court of Addl Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah whereby and whereunder the learned court ignoring the fact that husband of petitioner being major issued search warrant and sent him to his mother.

(iii) For that any other relief or reliefs may be granted as Your Lordships may deem fit and proper in the facts and circumstances of this case."

2. Pursuant to our previous order dated 30.10.2024, respondent nos. 2 to 5 are present and so also petitioner-Anita Kumari, Daughter of Pradeep Sonkar are present in Chamber proceedings. Petitioner-Anita Kumari alleged that she has married with fifth respondent-Shashank Kumar on 16.01.2024. Fifth respondent-Shashank Kumar was compelled to stay with the petitioner by coercion from the family members of the petitioner. Resultantly, he has been released from the clutches of the petitioner's family on 29.08.2024. In the meanwhile, parents of the fifth respondent-Shashank Kumar registered a complaint of kidnapping and marrying her minor son with Petitioner-Anita Kumari. These are all disputed issues which cannot be adjudicated



in the present habeas corpus petition. The Petitioner-Anita Kumari has a remedy of filing petition under Section 9 of the Hindu Marriage Act, 1955 before the jurisdictional Family Court.

3. The police officials who have brought contesting respondents are hereby directed to permit the contesting respondents free from the present proceedings and they shall not indulge in any manner with the contesting respondents arising out of the present case.

4. With the above observations, the proceedings of the present habeas corpus petition stands dropped.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Vikash/-

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

