

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.43 of 2025

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

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Lokesh Kumar Son of Nawal Sah Resident of Village- Aurai, P.S- Aurai,
District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Home, Govt. of Bihar, Patna Bihar
2. The Senior Superintendent of Police, Muzaffarpur Bihar
3. The Superintendent of Police, Sitamarhi Bihar
4. The Officer In Charge of the Dumra Police Station, Sitamarhi Bihar
5. The Officer In Charge of the Aurai Police Station, Muzaffarpur Bihar
6. The Officer In Charge of the Gaighat Police Station, Muzaffarpur Bihar
7. Babar Ali Rine Son of Late Abdul Rashid Resident of Village- Nayagaon, P.S- Aurai, District- Muzaffarpur
8. Shamma Praveen Wife of Lokesh Kumar, Daughter of Babar Ali Rine Resident of Village- Aurai, P.S- Aurai, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Uday Prakash Sharma, Advocate Mr. Ranjit Kumar Thakur, Advocate
For Res. Nos.1 to 6	:	Mr. Prabhu Narayan Sharma, AC to AG
For Res. Nos.7 & 8	:	Mr. Naushad Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

5 27-02-2025 The present petition has been filed under Article 226 of the Constitution of India in which the petitioner has prayed that respondent no.7 be directed to produce respondent no.8, the corpus, before this Court.

2. Heard Mr. Uday Prakash Sharma, learned counsel for the petitioner, Mr. Prabhu Narayan Sharma,



learned AC to AG for respondents no.1 to 6 as well as Mr. Naushad Khan, learned counsel appearing on behalf of respondents no.7 & 8.

3. Learned counsel for the petitioner submits that the petitioner is the husband of respondent no.8, the corpus. It is submitted that the petitioner got married with respondent no.8, the corpus, as per *Arya Samaj* rites and ceremony was performed on 09.12.2024, copies of proof of conversion of respondent no.8, the corpus, and the certificate of *Arya Samaj Sanatan Vaidik Sanskar* Trust have been produced on record. Thus, it has been contended by learned counsel for the petitioner that petitioner is the husband of respondent no.8, the corpus, despite which respondent no.7, who is father of respondent no.8, has forcibly got the custody of respondent no.8, the corpus, and she has been illegally detained.

4. Pursuant to the notice issued by this Court on 04.02.2025, respondents no.7 and 8 through their Advocate remained present. On 19.02.2025, we had interacted with the petitioner as well as respondent no.8, the corpus. Respondent No.8, the corpus had stated before us that she got married with the present petitioner as per *Arya Samaj* rites and ceremony was performed. It was further stated by the corpus



that documents annexed with the present petition are correct documents. However, the only fact which the corpus had pointed out before us was that the petitioner-husband has also agreed that both of them will perform the marriage/*Nikah* as per *Muslim* rites and rituals.

5. We, therefore, called the petitioner in the Chamber and interacted with him. He had also agreed before us that he is ready and willing to perform the marriage/*Nikah* as per *Muslim* rites and rituals with respondent no.8, the corpus.

6. Thereafter the parties jointly requested that the matter be adjourned and, therefore, the matter was adjourned.

7. Today, we have taken up the matter in Chambers. Once again, we have interacted with the respondent-corpus. However, today she has disclosed before us that she wants to go with her father and she has not been illegally detained by her father as alleged.

8. In view of the aforesaid development, which has taken place, when the respondent-corpus is not interested in going with the petitioner and when she has not been illegally detained by respondent no.7, who is father of the corpus, the present petition filed under Article 226 of the Constitution of



India is required to be disposed of.

9. Accordingly, the instant petition stands disposed
of.

(Vipul M. Pancholi, J.)

(Alok Kumar Pandey, J.)

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