

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.305 of 2018**

Arising Out of PS. Case No.-408 Year-2016 Thana- DANAPUR District- Patna

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1. Arun Kumar S/o Late Bharat Singh,
  2. Anshu Kumar, S/o Sri Arun Kumar,  
Both R/o Arya Samaj Mandir Road, S.K. Puram, Shushma Rebloan Flat No.  
402, P.S.- Danapur, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna, Bihar.
3. The Director General of Police, Govt. of Bihar, Patna, Bihar.
4. The District Magistrate, Patna, Bihar.
5. The Senior Superintendent of Police, Patna.
6. The Officer-in-Charge, Agam Kuan, Police Station District- Patna, Bihar.
7. Ashok Sharma, S/o Rajendra Sharma.
8. Prema Devi, W/o Ashok Sharma.
9. Shivangi Kumari, W/o Ansu Kumar,  
Respondent no. 7 to 9 are R/o Village- Lala Chak, P.O.- Tejbigha, P.S.-  
Kako, District- Jehanabad.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Sheo Jee Mishra, Advocate |
| For the State        | : | Mr. P.K. Verma, AAG-3         |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      22-08-2025                      The present writ petition has been filed by the petitioners seeking direction to State Officials not to coerce the petitioners through private Respondent No.9 who has been allowed by the Respondent No.6 to live in the house of the petitioners. The petitioners also seek direction to the Respondent authorities to take custody of the Respondent No.9 and send her to her parents house immediately.



2. In course of hearing, learned counsel for the Petitioners admits that the Respondent No.9/Shivangi Kumari is wife of Petitioner No.2/Anshu Kumar and as per his statement, the Respondent No.9 has started living in the house of the Petitioner No.2/Anshu Kumar, with the tacit support of Respondent No.6/Officer-in-charge, Agam Kuan, Police Station, Patna. He also states that there is no such direction, by Hon'ble High Court or any Court in criminal complaint filed by wife/Respondent No.9 against the Petitioner No.2, to keep his wife/Respondent No.9 with him on the occasion of bail.

3. Learned APP for the State submits that writ is not maintainable.

4. I perused the material on record and considered the submissions advanced by both the parties.

5. I find that the present writ petition is misconceived. Admittedly, Respondent No.9/Shivangi Kumari is wife of the Petitioner No.2/Anshu Kumar and she has all right to live in her matrimonial home. If her husband, namely, Anshu Kumar wants to get his wife ousted from his house, he has civil remedy by way of appropriate suit or petition before Civil Court and it is also misconceived prayer of the petitioners that Officer-in-charge of Agam Kuan, Police Station, Patna be directed to oust



his wife/Respondent No.9 from the house of Petitioner No.2/Anshu Kumar. Police has no such authority to oust anybody from any house. It comes under the jurisdiction of Court of law. The petitioners are liberty to take remedy before competent Court for ousting Respondent No.9/Shivangi Kumari from their house.

6. At this stage, learned counsel for the petitioners is seeking permission to withdraw the present petition with liberty to take legal step for ousting Respondent No.9 from the house of the petitioners.

7. Accordingly, the present petition is dismissed as withdrawn with the aforesaid liberty as sought for by the petitioner.

**(Jitendra Kumar, J.)**

ravishankar/-

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