

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.305 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- PHULWARISHARIF District- Patna

Ahilya Devi W/o T.K. Mishra Resident of Village- Bhikhpur, PS.- Hasanpura,
Distt.- Siwan, at present R/o C/o House of Rajanand Sharma, Purnendu
Nagar, Phulwarisharif, Shiv Mandir, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna Bihar
2. The District Magistrate, Patna Bihar
3. The Superintendent of Police, Patna Bihar
4. The Deputy Superintendent of Police, Patna Sadar Bihar
5. The Officer-in-Charge, Phulwarisharif Police Station, Distt.- Patna Bihar

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Surendra Kishore Thakur, Advocate Mr. Ashutosh Kumar, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, A.C. to A.G
For the Corpus	:	Mr. Krishna Prabhat, Advocate

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

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

5 18-03-2025 This petition has been filed under Article 226 of the Constitution of India in which the petitioner, who is mother of the corpus, has prayed that the respondent authorities be directed to produce the corpus before this Court.

2. Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner, Mr. Prabhu Narayan Sharma, learned A.C. to A.G. for the State as well as Mr. Krishna Prabhat, learned counsel appearing on behalf of the corpus.



3. Learned counsel for the petitioner would mainly submit that the petitioner is the mother of the corpus. It has been contended that the corpus attained the age of majority on 7th of January, 2025 and on the very same day, she left the house and it has been alleged that the corpus has been illegally detained by one Pandey Niranjana against the wish and will of the corpus. Learned counsel for the petitioner, therefore, urged that this Court may issue writ of habeas corpus and thereby direct the respondent authorities to produce the corpus before this Court.

4. This Court issued notice on 24.02.2025. Pursuant to issuance of notice, the respondent authority has produced the corpus before this Court. Name of the corpus is Mishra Srishti Kumari. We have interacted with the corpus in presence of learned Advocates appearing for the parties. The corpus has specifically stated before us that she got married with Pandey Niranjana on 09.01.2025. Certificate of registration of marriage is also produced by learned Government Counsel along with the copy of the application given by the corpus. The corpus has further stated before us that she is not illegally detained by Pandey Niranjana, as alleged by the petitioner. She has further stated that she is voluntarily residing with her husband and her in-laws in Gujarat and she wants to go with her husband and



father-in-law.

5. In view of the aforesaid willingness shown by the corpus, we are of the view that writ of habeas corpus, as prayed for by the petitioner, cannot be issued in favour of the petitioner.

6. Accordingly, the petition stands dismissed.

7. The cost of Rs.25,000/- deposited by the petitioner with the Registry/Office of this Court be transferred/given to the Patna High Court Legal Services Committee by the office of this Court.

(Vipul M. Pancholi, J.)

(Alok Kumar Pandey, J.)

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