

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.448 of 2025

Arising Out of PS. Case No.-73 Year-2023 Thana- RISIYAP District- Aurangabad

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Ramesh Kumar S/o Doman Mahto R/o Village- Lebunda, PO- Matpa, PS-
Kutumba, Dist- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Deptt., Govt. of Bihar Patna
2. The Superintendent of Police (S.P.), Aurangabad Bihar
3. The Station House Officer (S.H.O.), Rishiyap, Distt.- Aurangabad Bihar
4. Sudheshwar Mahto S/o Not known R/o vill - Sahathua, P.S.- Rishiyap, Distt.- Aurangabad
5. Smt. Asha Devi W/o Sudheshwar Mahto R/o vill - Sanathua, P.S.- Rishiyap, Distt.- Aurangabad
6. Jyoti Kumari W/o Ramesh Kumar, D/o Sudheshwar Mahto R/o vill - Sanathua, P.S.- Rishiyap, Distt.- Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Anand Kishore Choudhary, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, AC to AG

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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)

3 03-04-2025 Heard Mr. Anand Kishore Choudhary, learned counsel

for the petitioner and Mr. Prabhu Narayan Sharma, learned AC

to AG for the State.

2. Learned counsel for the petitioner submits that the

present petition has been filed under Article 226 of the

Constitution of India in which the petitioner, who is husband of

the corpus, has prayed that the respondents be directed to



produce the corpus before this Court.

3. Pursuant to the notice issued by this Court on 24.03.2025, the petitioner is present. Father and mother of the corpus and the police officer are also present. Learned AC to AG has informed that the copy of the present petition has been served to his office on 18.02.2025. However, when the police has inquired in the village of the parents of the corpus, it was revealed that after filing of the petition, the present petitioner has already taken over the custody of the corpus and, therefore, she is not available in the village. The police has recorded the statements of the concerned village people in support of the said contention. As the learned AC to AG has informed this Court with regard to information supplied by the police authority, we inquired with the petitioner. Initially, the petitioner tried to mislead this court and did not admit that the corpus, who is his wife, is with him, however, when repeatedly inquired, he thereafter submitted that now the corpus is with him and, therefore, he wants to withdraw the present petition. Learned counsel for the petitioner also requested that the petitioner be permitted to withdraw the present petition as the corpus is with the petitioner.

4. However, we are of the view that though the



petitioner had taken over the custody of the corpus on 05.03.2025, the said aspect was not disclosed by him when this Court issued notice on 24.03.2025. Even today, the petitioner did not disclose the said aspect. However, after repeated interrogation, he has admitted that custody of the corpus is with him.

5. Thus, looking to the conduct of the petitioner, we dismiss the petition with cost of Rs.10,000/- (Rupees Ten Thousand). We direct the petitioner to deposit the cost of Rs.10,000/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee within a period of three weeks from today.

6. If the aforesaid amount is not deposited with the Patna High Court Legal Services Committee within the stipulated period, the office is directed to take appropriate steps for recovery of the said amount from the petitioner.

(Vipul M. Pancholi, J.)

(Alok Kumar Pandey, J.)

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