

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.510 of 2025

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

Amjad Ali S/o Barkat Miyan Resident of village - Lashkar, P.S. - Shahpur,
District- Bhojpur 802165.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Home Affairs, Govt. of Bihar Patna
2. The Additional Chief Secretary, Department of Home Affairs, Government of Bihar, Patna. Bihar
3. The Senior Superintendent of Police, Patna Bihar
4. The Superintendent of Police, Patna. Bihar
5. The Station House officer, Jakkanpur Police Station, Patna Bihar
6. Premlata Kumari D/o Sanjiv Kumar Yadav Resident of village- Lashkar, P.S.- Kahalgaon, District - Bhagalpur.
7. Nishu Kumari D/O Sanjiv Kumar @ Sanjiv Kumar Yadav Resident of village - Lashkar, P.O.- Kundeswar, P.S. - Shahpur, District- Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Jay Karn, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, AC to AG
For Respondent No.6	:	Mr. Niranjana Parihar, Advocate Mr. Alok Ranjan, Advocate

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

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

3 27-03-2025 Heard Mr. Jay Karn, learned counsel for the petitioner, Mr. Prabhu Narayan Sharma, learned AC to AG as well as Mr. Niranjana Parihar, learned counsel appearing on behalf of Respondent No.6.

2. The present petition has been filed under Article 226 of the Constitution of India in which the petitioner has



prayed that writ of habeas corpus be issued and thereby the respondent police authority be directed to produce the corpus, i.e., respondent no.7, before this Court.

3. Learned counsel for the petitioner referred the averments made in the memo of the petition and thereafter submitted that the petitioner got married with respondent no.7, corpus, on 07.02.2025. However, on the very next day, i.e., 08.02.2025, FIR came to be lodged by respondent no.6, who is sister of the corpus. It is further submitted that thereafter respondent no.7, corpus, is illegally detained/confined by respondent no.6 as well as the parents of the corpus and, therefore, the petitioner has filed the present petition.

4. This Court issued notice to the respondents on 21.03.2025 and thereby directed the respondent police authority to produce the corpus, i.e., respondent no.7, before this Court. Pursuant to the notice issued by this Court, the respondent police authority has produced the corpus before this Court. The matter is taken up in Chamber.

5. We have interacted with respondent no.7, corpus. She stated that her name is Nishu Kumari and she is aged about 25 years. When inquired, she has specifically stated that she is not interested in going with the present petitioner and she wants



to go with her parents. Her parents are also present. Similarly, petitioner is also present. The corpus, i.e., respondent no.7, has specifically disclosed before us that she has not been illegally detained by respondent no.6 or her parents, as alleged by the petitioner.

6. In view of the aforesaid willingness shown by respondent no.7, corpus, before us, we are of the view that when the corpus is not in illegal confinement of respondent no.6 or the parents of the corpus, the present petition cannot be entertained.

7. According, the petition stands dismissed.

(Vipul M. Pancholi, J.)

(Alok Kumar Pandey, J.)

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