

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1391 of 2025

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

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Suraj Kumar Son of Dinesh Thakur Resident of village - Dewasik Khanda,
Milkipur, Surangapur, P.S.- Kalpa, District - Jahanabad

... .. Petitioner

Versus

1. The State of Bihar, through the Director General of Police, Old Secretariat, Bihar, Patna.
2. The Superintendent of Police, Khagaria
3. The Officer-in-Charge, Mufassil Police Station, Khagaria.
4. Anu Kumari Wife of Suraj Kumar Daughter of Hareram Kumar Thakur, Resident of Rahimpur Kurmi Tola, Ward No.- 10, P.S.- Mufassil, District - Khagaria
5. Basanti Devi Wife of Hareram Kumar Thakur Resident of Rahimpur Kurmi Tola, Ward No.- 10, P.S.- Mufassil, District - Khagaria
6. Hareram Kumar Thakur Son of Late Bhuwaneshwar Thakur Resident of Rahimpur Kurmi Tola, Ward No.- 10, P.S.- Mufassil, District - Khagaria

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Prabhu Narayan Sharma, AC to AG
For the Resp. 4 to 6	:	Md. Fazle Karim, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 22-07-2025 Heard learned counsel for the parties.

2. Pursuant to the direction of this Court contained in the order dated 14.07.2025, the corpus, i.e. respondent no.4, has been produced in Chambers. The petitioner is also present in person along with his Lawyer.

3. In presence of learned counsel for the parties, the



corpus, who has been made respondent no.4 in this case, has categorically stated that she is not willing to live with the petitioner for various reasons one of which has been recently revealed to her that the petitioner is an accused in Jehanabad P.S. Case No. 546 of 2017 registered for the offences alleged under Section 304B/34 of the Indian Penal Code and Section 27 of the Arms Act. The allegation against the petitioner is that of killing of his wife. He is facing trial in the said case.

4. The respondent no.4 has also submitted that she has filed a divorce case bearing Case No. 3 of 2025 in the court of learned Principal Judge, Family Court, Khagaria seeking a decree of divorce which has been admitted and notice has been served upon the petitioner.

5. When this Court made a query from the petitioner that when did he receive notice, he informed that the notice was served upon him on 01.05.2025.

6. It appears on perusal of the records that this case has been filed in this Court on or after 16.05.2025. In fact, during the hearing of this case on various dates, this fact was not revealed to this Court.

7. In the circumstances, while holding that the present writ of habeas corpus is wholly misconceived and cannot



proceed, we direct for imposition of a cost of Rs. 5,000/- (Rupees Five Thousand) upon the petitioner which he shall deposit with the Patna High Court Legal Services Committee within one month from today failing which the same shall be realised from him in accordance with law.

8. This application stands dismissed with cost.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

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