

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1705 of 2025

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

Sunil Kumar, S/O Ram Bilash Sahu Permanent Address Village P.O.- Sarwarpur, P.S.- Mehendiya, Dist.- Arwal Pin Code- 804409 Present Address Mohalla Shiv Sakti Nagar, Kachi Pokhar, P.S.- Bihta, Dist.- Patna, Pin Code- 801103, Presently Posted As- Communication Officer, ISPW Station, Patna, DCPW, New Delhi (Ministry Of Home Affairs).

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The S.S.P. Patna.
4. The Officer In-Charge, Bihta, Dist. Patna
5. Sanjay Kumar S/O Late Ramchander Prasad R/O Munsii Mohalla, Ward No. 06, Purani Sahar, Daudnagar, P.S.- Daudnagar, Dist.-Aurangabad, Pin Code- 824143
6. Prem Lata Devi W/O Sanjay Kumar R/O Munsii Mohalla, Ward No. 06, Purani Sahar, Daudnagar, P.S.- Daudnagar, Dist.-Aurangabad, Pin Code- 824143
7. Saurabh Kumar S/O Sanjay Kumar R/O Munsii Mohalla, Ward No. 06, Purani Sahar, Daudnagar, P.S.- Daudnagar, Dist.-Aurangabad, Pin Code- 824143
8. S.P., Aurangabad

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, AC to AG
For the Resp No. 5	:	Mr. Sunil Kumar Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 19-09-2025 Heard learned counsel for the petitioner, learned AC

to AG for the State and learned counsel for the Respondent No.

5.

2. The petitioner has prayed for issuance of a writ in



the nature of Mandamus to procure the presence of his wife and daughter. In his writ petition, the petitioner alleged that they have been illegally detained by Respondent Nos. 5, 6 and 7 who are father-in-law, mother-in-law and brother-in-law respectively of the petitioner.

3. Pursuant to our order of the earlier date, a counter affidavit has been filed on behalf of the Superintendent of Police, Aurangabad. Though the Superintendent of Police, Aurangabad is not a party respondent but because the matter pertains to his jurisdiction, he has, on the advice of the learned counsel for the State, filed counter affidavit.

4. We direct the petitioner to add the Superintendent of Police, Aurangabad as party Respondent No. 8 in the present writ application.

5. On perusal of the counter affidavit of the Superintendent of Police, Aurangabad, it appears that the wife of the petitioner has left her matrimonial home with her daughter and she has been living with her sister and working at Mumbai with her daughter. It has transpired in course of verification by police that the wife of the petitioner had left on her own volition as she was being subjected to harassment due to her inability to give birth to a male child.



6. In the kind of the materials on the record, we find no reason to entertain this writ application for a writ in the nature of Habeas Corpus.

7. This seems to be a thoroughly misconceived application. It is dismissed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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