

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1760 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- PARWALPUR District- Nalanda

Sitbiya Devi, W/o Late Mohan Chouhan, Resident of Village-
Mohinuddinpur, P.O- Pesaur, P.S- Biharsharif, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, the Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, the Department of Home, Government of Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Chairman, Child Welfare Committee, Nalanda at Biharsharif.
5. The Superintendent, Child Welfare Committee, Nalanda, Biharsharif.
6. The District Magistrate, Nawada.
7. The Chairman, Child Welfare Committee, Nawada. Bihar
8. The Superintendent, Child Welfare Committee, Nawada.
9. The Station House Officer, Parwalpur Police Station, District- Nalanda.
10. The Investigating Officer, Parwalpur P.S. Case No. 55/2025, Dist- Nalanda.
11. Rekha Devi, W/o Sanjeev Prasad, R/o Village- Fatehpur, P.S- Parwalpur, Dist.- Nalanda.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Niranjan Kumar, Advocate Mr. Subham Singh, Advocate Mr. Bipin Yadav, Advocate Mr. Akshay Kumar, Advocate
For the Respondent/s	:	Mr. P.N. Sharma, AC to AG

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 25-07-2025 Heard learned counsel for the petitioner and learned

AC to AG for the State of Bihar.

2. The present writ application has been preferred for

issuance of a writ in the nature of a Writ of Habeas Corpus for



release of the daughter-in-law of the petitioner.

3. From the narration of facts present in the writ application itself, it is evident that the Child Welfare Committee, Biharsharif, Nalanda detained the corpus and vide order dated 27.05.2025 passed in Parwalpur P.S. Case No. 55 of 2025, the learned Judicial Magistrate-V, 1st Class, Hilsa reviewed his own order and directed that the corpus being a minor shall be sent into the custody of the Child Welfare Committee, Biharsharif till further order.

4. Learned counsel for the petitioner submits that the order dated 27.05.2025 passed by the learned Magistrate is wholly illegal, arbitrary and bad in law. The submission is that he could not have recalled his earlier order dated 30.04.2025 by which the corpus was declared major and was allowed to go with her mother-in-law as per her desire.

5. Mr. P.N. Sharma, learned AC to AG submits that in such circumstance, a Writ of Habeas Corpus would not lie. Learned counsel has relied upon a Full Bench judgment of this Court in the case of **Shikha Kumari Vs. State of Bihar and Others** reported in **2020 (2) PLJR 15 (HC)**.

6. We agree with the submissions of learned AC to AG. In the kind of submissions made by learned counsel for the



petitioner, it is evident that he is aggrieved by the order of the learned Magistrate. A Writ of Habeas Corpus would not lie.

7. At this stage, learned counsel for the petitioner seeks permission to allow him to convert this writ application under appropriate heading by filing an amendment application to seek appropriate writ.

8. We find that there are foundation of facts available on the record on the basis of which reliefs may be altered by filing an appropriate amendment application.

9. We allow the petitioner to convert this writ application accordingly.

10. If any such application is filed, the same will be placed before the appropriate Bench after seeking permission of Hon'ble the Chief Justice.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

lekhi/-

U			
---	--	--	--

