

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.2043 of 2025**

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

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Anurag, Son of Sri Dilip Chandra Mishra, R/o Mohalla - Baban Bigha, 52 Bigha, Laxmisagar, Milki, Laxmisagar, P.S.- L. N. Mithila University, District - Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Darbhanga.
2. The Senior Superintendent of Police, Darbhanga.
3. The Station House Officer, L.N. Mithila University Police Station, District – Darbhanga.
4. Nigam Rani, Wife of Anurag, D/o- Someshwar Jha, R/o- Mokrapur, P.S.- Sadar, District - Darbhanga.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr. Ali Muqtadir Ahmad, Advocate  
For the Respondent/s : Mr. P.N. Sharma, AC to AG

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

**(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)**

2      18-08-2025                      Heard learned counsel for the petitioner and learned  
AC to AG for the State of Bihar.

2. The petitioner in this writ application is seeking a direction to the respondent authorities/Respondent No. 4 to produce the minor girl child, namely, X before the Hon'ble Court and to hand over the custody of the minor girl child to the petitioner/father.

3. In course of hearing of the writ application, we have noticed that in this case, the petitioner has already moved before the learned Principal Judge, Family Court, Darbhanga by



filing a guardianship case for appointment of the guardian of his minor daughter and for her custody. In the said Guardianship Case bearing No. 02/2023, by way of an interim measure, the learned Family Court has issued certain directions. Paragraph '20' of the interim order (Annexure 'P-10') enlists the various directions issued by the learned Principal Judge, Family Court, Darbhanga.

4. Finding that the matter is already subjudice before the learned Principal Judge, Family Court, Darbhanga, we would not be inclined to entertain a Writ of Habeas Corpus.

5. Learned counsel for the petitioner has submitted that the interim directions of the learned Principal Judge, Family Court, Darbhanga are not being complied with by Respondent No. 4. He has also submitted that the girl child is, in fact, compelled to work at a tea stall, therefore, immediate measures are required to be taken for her care and protection.

6. In our considered opinion, the petitioner may bring these facts to the notice of the learned Principal Judge, Family Court, Darbhanga who besides ensuring compliance with the interim order, shall also get done an inquiry into the matter as to whether the girl child is being made to sit in a shop and work.

7. If it is so, then appropriate action shall be taken to



protect the child. Such orders as may be required to be passed in that circumstance shall be passed by the learned Principal Judge, Family Court, Darbhanga after hearing the contesting parties.

8. We are also of the opinion that hearing of the guardianship case be expedited and the same be decided as early as possible.

9. This writ application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

**(Sourendra Pandey, J)**

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