

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2702 of 2025

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

Mrs. Arti Kumari D/o- Mr. Vijay Kumar Sah Presently residing at C-16, KH No- 403/268, 3rd Floor, New Ashok Nagar, Vasundhra Enclave, East Delhi, Delhi, 110096. Permanent Resident of Naugachia, Post- Naugachia PS- Naugachia Main Road Ward No- 24 District- Bhgalpur

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Home, Bihar, Patna
2. The Superintendent of Police (S.P), Katihar
3. The Deputy Superintendent of Police, (Dy. S.P), Sadar, Katihar Bihar
4. The Station House Officer (SHO), Police Station Falka, Katihar
5. Vijay Kumar Sah S/o- Late Rajendra Prasad Gupta R/o- Morsanda Post- Morsanda PS- Falka Dist- Katihar
6. Juli Devi @ Chunni Devi W/o- Vijay Kumar Sah R/o- Morsanda Po- Morsanda PS- Falka Dist- Katihar

... .. Respondents

Appearance :

For the Petitioner	:	Ms. Bharti Kumari, Advocate
For the State	:	Mr. A.B. Sinha, G.A.8
		Ms. Kalpana, AC to GA-8

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 19-12-2025 Heard Ms. Bharti Kumari, learned counsel for the petitioner and Mr. A.B. Sinha, learned GA-8 for the State of Bihar.

2. This writ application has been filed for an appropriate direction to the Respondent Nos. 1 to 4 to provide the petitioner custody of her 11 years old son who is said to be in illegal custody of his grandparents who are Respondent Nos.



5 and 6 in this writ application.

3. The facts of the case as revealed in the writ application would show that the petitioner got married with one Annu Kumar in the year 2013. Out of their wedlock, one son was born on 24.09.2014. After few years, the petitioner got separated from her husband. It is her stand that they had mutually decided that custody of the minor will be with the petitioner.

4. It is further case of the petitioner that in the year 2021, the Respondent Nos. 5 and 6 took her son Anshu Kumar @ Ritvik with them on the pretext of taking him for few days when the petitioner's mother was unwell. It is alleged that when the petitioner went to bring back her son, the Respondent Nos. 5 and 6 refused to give her custody of her son Anshu Kumar @ Ritwik.

5. From the tone and tenor of the statements made in the writ application itself, it is clear that the fight is for the custody of the 11 years old son as the petitioner claims that it was mutually decided between her and her husband that the custody of the minor son will be with the petitioner.

6. Apparently, the minor son of the petitioner is with his grandparents who are Respondent Nos. 5 and 6 since the



year 2021.

7. In our opinion, the petitioner has chosen a wrong forum.

8. This writ application is not fit to be entertained for the cause shown. It is dismissed but with liberty to the petitioner to seek her remedy before appropriate court in accordance with law.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

lekhi/-

U			
---	--	--	--

