

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2721 of 2025

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

Vijayata, W/o- Manish Chandra Bhaskar, D/o Shri Vaidyanath Yadav,
Resident of Shrada Nagar Bus Stand, Dist- Purnia A/P- Rajiv Nagar, PS-
Rajiv Nagar, Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Dy. Superintendent of Police, Masaurhi.
5. The Officer in Charge, Dhanarua, Patna.
6. Manish Chandra Bhaskar S/o- Uday Chandra Diwakar R/o- Chandralok Market, Bansh Bigha Dhanarua Road PS- Masaurhi Dist- Patna.
7. Uday Chandra Bhaskar, S/o Late Ramanand Singh, R/o- Chandralok Market, Bansh Bigha, Dhanarua Road, PS- Masaurhi, Dist- Patna.
8. Ranju Devi, W/o- Uday Chandra Bhaskar, R/o- Chandralok Market, Bansh Bigha, Dhanarua Road, PS- Masaurhi, Dist- Patna.
9. Rajnish Chandra Bhaskar, S/o- Uday Chandra Bhaskar, R/o- Chandralok Market, Bansh Bigha, Dhanarua Road, PS- Masaurhi, Dist- Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. P.N. Sharma, A.C. to A.G.

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 14-10-2025 Heard learned counsel for the petitioner and learned
AC to AG for the State of Bihar.

2. It appears on going through the averments made in
the writ petition that only after sometime of the marriage
between the petitioner and respondent no. 6, they developed
matrimonial discord. It has come on record that the petitioner



has filed a Complaint Case bearing No. 13487/c/25 in the court of learned Chief Judicial Magistrate, Patna which is pending. In the meantime, the allegation is that respondent no. 6 has taken away the child aged about 5 years from the custody of the petitioner on 05.09.2025. There is also an allegation that the petitioner and her family members were abused and assaulted on 21.09.2025 at Chandralok Market.

3. Without going into the merit of the contentions advanced on behalf of learned counsel for the petitioner, we are of the considered opinion that in the kind of dispute between the parties, a Writ of Habeas Corpus cannot be entertained. The petitioner is at liberty to take recourse to the special Statute, if so advised, for claiming custody of the child. We, however, are not giving any opinion on the merit of the contentions and leave it open for the competent court to decide the same as and when it is brought before the court.

4. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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