

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3120 of 2025

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

Abhijeet Kumar, S/o Rakesh Kumar Srivastava, Resident of - BMF / 202,
Agamkuan, B.H. Colony, P.S - Agamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna
3. The Director General of Police, Bihar, Patna Bihar
4. The Senior Superintendent of Police, Patna Bihar
5. The Officer-in-Charge, Rajiv Nagar Police Station, Patna Bihar
6. The Officer-in-Charge, Agamkuan Police Station, Patna Bihar
7. Ruchi Kumari W/o Abhijeet Kumar D/o Siyaram Mishra, Resident of - Shaktipuram Colony, Ashiana Nagar, Phase - II, P.S - Rajiv Nagar, District - Patna
8. Siyaram Mishra S/o Late Jay Narayan Mishra Resident of - Shaktipuram Colony, Ashiana Nagar, Phase - II, P.S - Rajiv Nagar, District - Patna
9. Sangita Mishra W/o Siyaram Mishra Resident of - Shaktipuram Colony, Ashiana Nagar, Phase - II, P.S - Rajiv Nagar, District - Patna
10. Arun Kumar Mishra S/o Siyaram Mishra Resident of - Shaktipuram Colony, Ashiana Nagar, Phase - II, P.S - Rajiv Nagar, District - Patna
11. Manish Kumar Mishra S/o Siyaram Mishra Resident of - Shaktipuram Colony, Ashiana Nagar, Phase - II, P.S - Rajiv Nagar, District - Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Advocate

For the Respondent/s : Mr. P. N. Sharma, AC 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)

3 03-12-2025 Heard learned counsel for the petitioner and learned
AC to AG for the State.

2. This writ application has been filed for issuance of a
writ in the nature of writ of habeas corpus for production of the



corpus Ruchi Kumari (respondent no.7) who is said to be allegedly detained, confined and distant by her parents.

3. The petitioner has made a statement in the writ application that he and respondent no.7 have solemnized marriage on 04.03.2025 under the provisions of the Special Marriage Act, 1954 before the Marriage Officer, Patna. A copy of the marriage certificate has been brought on record as Annexure-P/1 to the writ application. It is stated that after the marriage, they were peacefully residing together as husband and wife and enjoyed cordial martial life for some time but thereafter respondent nos. 8 to 11, who are the parents and brothers of respondent no.7 have forcibly threatened her not to go with the petitioner and have illegally confined and restrained her at their residence. Taking note of the aforesaid averments in the writ application, yesterday we directed the officer in-charge of Rajiv Nagar police station, Patna to produce the corpus.

4. Today, the corpus has been produced and we have initially interacted with her in Chambers in presence of learned counsel for the petitioner and learned AC to AG for the State. The corpus Ruchi Kumari (respondent no.7) has categorically stated that she has married with the petitioner and wants to live with him. She has also stated that she had been confined by her parents and was being threatened by them.



5. After interacting with the respondent no.7, we called her mother and brother who were present. The mother of the corpus claimed that she was unaware of the marriage and denied to have threatened the corpus.

6. The petitioner is also present in person. He has admitted that respondent no.7 is his legally wedded wife and he would keep her with full dignity and care in his matrimonial home.

7. Having regard to the facts and circumstances of the case wherein both the petitioner and respondent no.7 are major, they have married and the marriage is evident from the certificate of marriage as contained in Annexure-P/1 registered under the Special Marriage Act, 1954, we are of the considered opinion that the respondent no.7 is free to move ahead with her choice of life and there cannot be any impediment in her way of living with the petitioner. In this regard, we refer the judgment of the Hon'ble Supreme Court in the case of **Shafin Jahan Vs. Asokan K. M.** reported in **AIR 2018 SC 1933** which this Court had also occasion to follow in the case of **Based on the News Item Uploaded On the Website of News App Bar And Bench Versus The State of Bihar & Ors.** reported in **2018 SCC Online Pat 1179**.

8. We, therefore, set the corpus Ruchi Kumari



(respondent no.7) free. She is free to move with the petitioner and live her life as per her choice.

9. We would observe at this stage that the parents of the respondent no.7 are supposed to abide by law and they should not indulge in causing any threat to the petitioner and respondent no.7 in their happy living. The officer in-charge of Rajiv Nagar Police Station is directed to keep vigil and also take steps to provide some counselling to the parents of the respondent no.7.

10. If the petitioner and respondent no.7 have any reason to believe that they are under threat, they would be at liberty to inform this to the jurisdictional police station where they would be residing whereupon the S.H.O. of the concerned police station shall take protective measures to avoid any untoward incident.

11. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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