

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.87 of 2025

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

Md. Saddam Hussain @ Md. Saddam S/o- Md. Ijrail Village- Paina ward no
13 Ps- Chausa, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through Home Dept. Govt. of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Superintendent of Police, Madhepura Bihar
4. The Station House Officer, Chausa, Madhepura Bihar
5. Md. Khalid Hussain S/o- Md. Izhar Alam Village- Paina W.No-13, Ps-
Chausa Dist- Madhepura

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Rupesh Kumar, Advocate
For Res. No.1 to 4	:	Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

3 20-02-2025 The present petition has been filed under Article 226 of the Constitution of India by the petitioner, who is husband of the corpus, Nasrin Khatoon. The petitioner has prayed that the writ of habeas corpus be issued and thereby respondent no.5, who is father of the corpus, be directed to hand over the custody of the corpus to the present petitioner.

2. Heard Mr. Rupesh Kumar, learned counsel for the petitioner, Mr. Prabhu Narayan Sharma, learned A.C. to A.G. for respondents no.1 to 4 as well as learned counsel appearing on



behalf of respondent no.5.

3. Learned counsel for the petitioner submits that petitioner got married with the corpus on 12.06.2024. However, thereafter respondent no.5, who is father of the corpus, gave complaint to the concerned police station and alleged that the petitioner has kidnapped his minor daughter. Thereafter the petitioner was called by the police and he was taken into custody. The corpus was also produced before the learned Magistrate and her statement was recorded under Section 164 Cr.P.C. in which the corpus has specifically stated that nobody has kidnapped her and, in fact, she had voluntarily left her house. It is also stated that she wants to go to her matrimonial house. At this stage, it has been pointed out by learned counsel for the petitioner from the record that, looking to the facts of the present case, the police authority filed final report and closed the FIR filed against the petitioner. Learned counsel would thereafter submit that respondent no.5, who is father of the corpus, forcibly took the corpus against her wish and now she has been illegally detained by her father, i.e., respondent no.5. Learned counsel, therefore, urged that the present petition for issuance of writ of habeas corpus has been filed by the petitioner.

4. Pursuant to the notice issued by this Court, the corpus has been produced before us. We have interacted with the corpus



in the Chamber in presence of learned Government Counsel. Thereafter, we called the petitioner in Chamber and thereafter heard the submissions canvassed by learned counsels appearing for the parties.

5. The corpus has specifically stated before us that her name is Nasrin Khatoon, she is aged about 20 years and she is major. She has specifically expressed before us that she does not want to go with the petitioner and she has not been illegally detained by respondent no.5, who is her father, as alleged by the petitioner.

6. Thus, in view of the aforesaid facts and circumstances of the present case, when the corpus has stated before us that she has not been illegally detained by respondent no.5, who is her father, and she is not inclined to go with the present petitioner, we are of the view that we have no option but to dismiss the present petition.

7. Accordingly, the petition stands dismissed.

(Vipul M. Pancholi, J.)

(Alok Kumar Pandey, J.)

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