

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3209 of 2025

Arising Out of PS. Case No.-666 Year-2025 Thana- GARDANIBAG District- Patna

Kanchan Devi, Wife of Bhola Tiwari, Resident of Village- Paroli, P.S- Rani Talab, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Patna
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Town, Patna.
5. The Station House Officer, Gardanibagh Police Station, Patna.
6. The Investigating Officer of Gardanibagh P.S. Case No. 666 of 2025, Gardanibagh Police Station Patna.
7. Sushil Kumar Pandey @ Sushil Pandey S/O Chandeshwar Pandey R/O Village- Kodihara, P.S- Khiri More, Distt.- Patna. At present residing at Mohalla- Sadhnapuri (Tenant of Vina Devi), P.S- Gardanibagh, Distt- Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shyam Kishore, Advocate
For the State	:	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)

2 11-12-2025 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 writ in the nature of Writ of Habeas Corpus directing the respondents to produce the victim girl whom she has been calling her daughter-in-law.

3. According to the petitioner, her son, namely, Aditya



Tiwari @ Manish Kumar has solemnised marriage with the girl. We are not disclosing the name of the girl for the reason that admittedly, she seems to be a minor one. In paragraph '5' of her writ petition, the petitioner has though claimed that the victim girl is major but her date of birth has been disclosed as 22.01.2008. In this regard, the petitioner has brought on record Annexure 'P/1' which is the copy of the marksheet showing the marks obtained by the victim in her Class 10 examination. The marksheet also contains her date of birth as 22.01.2008.

4. On perusal of the writ application, it further appears that father of the victim girl has lodged a first information report being Gardanibagh P.S. Case No. 666 of 2025. The petitioner claims that in connection with the said case, her son, namely, Ganesh Tiwari was illegally detained for four days before his production in the court of learned Jurisdictional Magistrate. Learned counsel for the petitioner has informed this Court that the son of the petitioner has got bail yesterday from the court of learned Chief Judicial Magistrate, Patna and has been released.

5. Learned AC to AG submits that on her own saying, the petitioner cannot maintain this application for Writ of Habeas Corpus. The victim girl is a minor and in connection with her allurements and taking away by the son of the petitioner,



father of the victim girl has lodged a first information report and in connection with the said case, son of the petitioner was arrested.

6. Having regard to the entire facts and circumstances of the case, we are of the considered opinion that this writ application is completely misconceived. The victim girl being a minor and in connection with her taking away, a police case has been filed by her father, we are of the considered opinion that the said writ application is required to be dismissed.

7. The writ application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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