

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.95 of 2025

Arising Out of PS. Case No.-294 Year-2024 Thana- KANKARBAG District- Patna

Avinash Kumar Singh @ Avinash Kumar Son of Anup Kumar Singh Resident at Lekha Nagar, Tribhuwan School, Khagaul Road, Danapur, P.S. - Danapur, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Deputy Director General of Police, Central Region, Patna, Bihar
4. The Superintendent of Police, Patna, Bihar
5. The Town S.P. Patna, Bihar
6. The S.H.O. Kankarbagh Police Station, Patna, Bihar
7. The Investigating Officer, Kankarbagh Police Station, Patna, Bihar
8. Tannu Priya Wife of Avinash Kumar Singh Resident at Lekha Nagar, Tribhuwan School, Khagaul Road, Danapur, P.S. - Danapur, District - Patna and daughter of Sri Prakash Kumar, Resident of Village and P.O. - Fatehpur, P.S. - Didarganj, District - Patna
9. Sri Prakash Kumar Son of Rangnath Singh Resident of Village and P.O. - Fatehpur, P.S. - Didarganj, District - Patna
10. Abhishek Ranjan @ Abhishek Kumar Mandal Son of Krishna Kumar @ Krishna Mandal Resident of Village - Kushwaha Nagar, P.S. - Kahalgaon, District - Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Nirbhay Prashant, Advocate
Ms. Ojaswee Kumari, Advocate
For Res. Nos.1 to 7 : 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. The petitioner has prayed that writ of habeas corpus



be issued and thereby respondents no.9 and 10 be directed to produce the corpus before this Court.

2. Heard Mr. Nirbhay Prashant, learned counsel for the petitioner and Mr. Prabhu Narayan Sharma, learned A.C. to A.G. for respondents no.1 to 7.

3. Learned counsel for the petitioner submits that the petitioner got married with the corpus in February, 2023. In support of the said contention, learned counsel has referred the invitation card which has been placed on record. Learned counsel further submits that the wife of the petitioner, i.e., the corpus has been illegally detained by respondents no.9 and 10. Therefore, the petitioner has filed the present petition.

4. This Court issued notice on 06.02.2025 and thereby directed respondent no.9, father of the corpus, to produce respondent no.8, i.e., the corpus before this Court. Pursuant to the notice issued by this Court, the concerned respondent-police officer as well as respondents no.8 and 9 have remained present before us.

5. We have conducted the matter in the Chamber. We have interacted with respondent no.8, the corpus. Respondent No.8, the corpus, has disclosed before us that though she got married with the present petitioner, for the present, she is not



interested in going with the petitioner herein. She has further disclosed before us that she has not been illegally detained by respondents no.9 and 10, as alleged by the petitioner. Respondent No.8 has also stated before us that she is voluntarily residing with her father and she wants to go with her father, i.e., respondent no.9.

6. In view of the aforesaid facts and circumstances of the present case, when respondent no.8, the corpus, who is major, aged about 22 years, has disclosed before us that she does not want to go with the petitioner and she is interested in going with respondent no.9, who is her father, we are of the view that the writ of habeas corpus, as prayed for by the petitioner, cannot be issued.

7. Accordingly, petition stands dismissed.

(Vipul M. Pancholi, J)

(Alok Kumar Pandey, J)

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