

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.258 of 2026

Praveen, male, aged about 30 years, Son of Shyam Krishna Resident of-
Nagla Main Road, Near Madho Mill, P.S. Malsalami, District Patna, Bihar
... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Home Dept, Govt of Bihar, Patna Bihar
2. The Director General of Police, Bihar Patna
3. The Senior Superintendent of Police, Gaya, Bihar.
4. The Senior Superintendent of Police, Patna, Bihar.
5. The District Magistrate, Gaya, Bihar.
6. The Superintendent of Police / City SP, Gaya, Bihar.
7. The Station House Officer, P.S. Kotwali, District Gaya, Bihar.
8. The Station House Officer, P.S. Alamganj, District Patna Bihar.
9. Virendra Kumar Son of Late Nathun Saw Resident of Pipal Gali, near kali Mandir, Jhilganj, New Godown, P.S. Kotwali, District- Gaya, Bihar.
10. Sushila Devi Wife of Virendra Kumar Resident of Pipal Gali, near kali Mandir, Jhilganj, New Godown, P.S. Kotwali, District- Gaya, Bihar.
11. Amar Kumar Son of Virendra Kumar Resident of Pipal Gali, near kali Mandir, Jhilganj, New Godown, P.S. Kotwali, District- Gaya, Bihar.
12. Amardeep Kumar Gupta Son of Virendra Kumar Resident of Pipal Gali, near kali Mandir, Jhilganj, New Godown, P.S. Kotwali, District- Gaya, Bihar.
13. Richa Kumari Wife of Amar Kumar Resident of Pipal Gali, near kali Mandir, Jhilganj, New Godown, P.S. Kotwali, District- Gaya, Bihar.
14. Viraj Shah Son of Praveen Resident of Nagla Main Road, Near Madho Mill, P.S. Malsalami, District Patna, Bihar. Presently reside with 9 to 13 at Gaya
... .. Respondents

Appearance :

For the Petitioner : Ms. Mira Kumari, Advocate
For the Respondents : Mr. P.N. Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 12-02-2026 In the present petition, the petitioner has prayed for
the following relief(s):-



“I. For the issuance of the writ of Habeas Corpus commanding the respondents to trace, recover and produce the minor child namely "Viraj Shah" (Male, born on 13.05.2024) before this Hon'ble Court and to hand over his custody to the Petitioner (father/natural guardian), as the child is being illegally kept/detained by the private respondents;

II. For issuance of a writ of Mandamus commanding the respondent authorities, particularly the Superintendent of Police, Gaya / Patna and the concerned SHOs, to provide immediate police assistance for safe recovery of the minor child and to prevent his removal/concealment;

III. For issuance of a direction to ensure protection of life and liberty of the Petitioner and his family members, as the petitioner has credible threat perception due to the conduct of the private respondents;

IV. For, passing such other order(s) as this Hon'ble Court may deem fit in the facts and



circumstances of the case, including but not limited to interim custody, visitation restrictions, or any welfare-based directions for the minor child.

V. For, any other relief or reliefs for which the petitioner is legally and validly entitled in the facts and circumstances of the case;”

2. The brief facts of the case are that the petitioner alleges that he has been unlawfully deprived of the custody of his minor child by the maternal grandparents of the child (in-laws of the petitioner), who are stated to be retaining custody despite repeated requests made by the petitioner. It is the case of the petitioner that, upon the unfortunate demise of the child's mother, he, being the natural guardian of the minor child, is legally entitled to the custody of the child.

3. Considering the facts and circumstances of the case, this Court is of the opinion that the dispute raised involves adjudication of custody rights. Such issues are appropriately to be examined by the competent Family Court under the provisions of the Hindu Minority and Guardianship Act, 1956.

4. Accordingly, it would be appropriate for the petitioner to file an application before the Family Court having



competent jurisdiction. In the event, such an application is filed, the concerned Family Court shall consider and decide the same, in accordance with law, preferably within a period of one year from the date of its filing.

5. With the aforesaid observation, the present application stands disposed of.

6. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

*Gaurav Kumar,
Ibrar/-*

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