

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.569 of 2026

Arising Out of PS. Case No.-465 Year-2025 Thana- GHOSI District- Jehanabad

Deepak Kumar S/o- Shivkumar Bind, R/o Village- Kachhiyawan, Ward no 5
PS- Nagarnausa, District- Nalanda, PIN- 801302, State-Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home (Police) Department, Govt. of Bihar, Patna Bihar
2. The Director General of Police, Patna Bihar
3. The District Magistrate, Nalanda
4. The Superintendent of Police, Nalanda
5. The Station House Officer of Ghoshi (Okari) Police Station
6. Rekha Devi W/o- Late Birendra Prasad R/v- Hasanpur (Naima), PS- Okari Dist- Jehanabad
7. Nagendra Kumar Vidyarthi R/v- Khemni Chak Subhash Nagar Road No-2, PS- Ramkrishna Nagar, Dist- Patna, Bihar, PIN-800027
8. Shreya Bharti D/o- Virendra Prasad, W/o- Deepak Kumar R/v- Hasanpur PO- Naiema, PS- Telhara Dist- Nalanda, P/A Village- Khemni Chak Subhash Nagar Road No-2, PS- Ramkrishna Nagar, Dist- Patna, Bihar, PIN-800027.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bablu Kumar, Adv.
For the Respondent/s : Mr. Amish Kumar, AC to AG.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 03-04-2026 Heard learned counsel for the parties.

2. The following reliefs have been sought in the
present criminal writ application:

*"I. For issuance of writ of Habeas Corpus or any
other appropriate writ, order or direction to
respondent authorities to immediately bring the*



corpus of the wife of petitioner namely Smt. Shreya Bharti, who has been illegally detained against her free will and wish.

II. And/Or for issuance of other consequential writ or writs, order or orders, direction or directions as deems fit and proper in the facts and circumstances of the case."

3. Considering the facts of the case and the materials available on record, and in view of the settled legal position that a writ of *Habeas Corpus* is an extraordinary and discretionary remedy which may not be exercised where an effective statutory remedy is available, reliance can be placed upon ***Tejaswini Gaud v. Shekhar Jagdish Prasad Tewari, (2019) 7 SCC 42***, wherein the Hon'ble Supreme Court has in para 19 observed the following:

"19. Habeas corpus is a prerogative writ which is an extraordinary remedy and the writ is issued where in the circumstances of the particular case, ordinary remedy provided by the law is either not available or is ineffective, otherwise a writ will not be issued...."

4. Accordingly, the petitioner is granted liberty to avail the appropriate/alternate statutory remedy by filing an application under Section 101 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which reads as follows:-

"101. Power to compel restoration of abducted



females - Upon complaint made on oath of the abduction or unlawful detention of a woman, or a female child for any unlawful purpose, a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may make an order for the immediate restoration of such woman to her liberty, or of such female child to her parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.”

5. With the aforesaid liberty, the present writ application stands disposed of.

6. It is clarified that this Court has not expressed any opinion on the merits of this case.

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

(Sudhir Singh, J)

(Shailendra Singh, J)

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