

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.451 of 2026

Arising Out of PS. Case No.-72 Year-2025 Thana- MAHILA P.S. District- Patna

Nitu Kumari D/o- Raj Kumar Singh R/o- Shekhdumari VTC Gopalpur PO-
Gopalpur Sub Distt- Sonapur, Saran, A/P- East Lohanipur, Kashi Nath Lane,
Allawalpur House, kadamkuan Ps- Kadamkuan Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna Bihar
2. The District Magistrate, Patna Bihar
3. The Superintendent of Police, Patna Bihar
4. The Station House Officer, Kadamkuan Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Adya Pandey, Advocate Mr. Manas Rajdeep, Advocate
For the Respondent/s	:	Mr. G.P. 7

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-02-2026 The petitioner has approached this Court for quashing the part of the order dated 31.01.2026 passed by learned Additional Sessions Judge-XXX, Patna in ABP No.4713/2025, arising out of Mahila P.S. Case No. 72/2025 whereby and whereunder while passing the order rejecting the prayer for bail of the husband of the petitioner, the learned trial court has directed the petitioner/daughter-in-law to leave her marital home.

02. Apparently, the petitioner has approached this Court assailing a judicial order in writ jurisdiction under Articles 226 and 227 of the Constitution of India.



03. The Hon'ble Supreme Court in the case of ***Neeta Singh & Ors. Vs. The State Of Uttar Pradesh & Ors.*** in ***Special Leave to Appeal (Crl.) No(s). 13578/2024*** has held that the judicial orders of the civil court are not amenable to writ jurisdiction under Article 226 of the Constitution. So far as filing of the writ petition under Article 227 of the Constitution of India is concerned, the Hon'ble Supreme Court in the case of ***Shalini Shyam Shetty Vs. Rajendra Shankar Patil, (2010)8 SCC 329*** has also made it clear that under Article 227 of the Constitution of India no writ could be entertained. So, criminal writ petition under Articles 226 and 227 of the Constitution against a judicial order would not lie. Further, Part A Chapter XII Rule 3 Sub Rule (iii) and (v) of Patna High Court Rules provides for filing a petition under Article 227 of the Constitution of India as criminal miscellaneous petition and the said roster of criminal miscellaneous petition under Article 227 of the Constitution of India has not been assigned to this Bench.

04. At this stage, learned counsel for the petitioner seeks permission to convert the present petition into appropriate petition.

05. Permission is accorded.

06. Learned counsel for the petitioner is permitted to



convert the present petition into appropriate petition within three weeks

07. Office is directed to extend all cooperation towards conversion.

(Arun Kumar Jha, J)

V.K.Pandey/-

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