

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.450 of 2026

Manish Pandit S/o Dilip Pandit R/o Village- Panserwa, PS and PO-
Hasanganj, Distt- Katihar, Pin Code No.854337

... .. Petitioner/s

Versus

1. The State of Bihar through D.G.P. Bihar, Patna
2. The I.G. Darbhanga Division, Muzaffarpur
3. The Superintendent of Police, Saharsa
4. The Officer-Incharge Bangaon, Police Station - Saharsa
5. Shankar Dayal Pandit S/o Not Given R/o vill - Chainpur Uttar Khand, ward
no. 9, P.S.- Bangaon, Distt.- Saharsa, Pin Code-852212
6. Asha Devi W/o Shankar Dayal Pandit R/o vill - Chainpur Uttar Khand, ward
no. 9, P.S.- Bangaon, Distt.- Saharsa, Pin Code-852212

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vishwanath Prasad, Advocate
For the Respondent/s : Mr. P.K. Shahi, A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 11-03-2026 Heard learned counsel for the parties.

2. The following relief has been sought in the present
criminal writ petition:

*“That, the Present application is being filed for
direction to the Respondents to produce Wife of the
petitioner (Sweta Kumari) who is under grip of
Private Respondent since.14.09.2025 when she
went there Parental house with her father on Bidai
and thereafter thrice the petitioner has visited his
father in-la house to brought with him but every
time his life was not available at her Naihar and it*



was told that she went their co-relative and as soon as she return him will be send to her Sasural”

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 petition 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)

(Sunil Dutta Mishra, J)

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