

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.783 of 2026

Md. Nadeem Iqubal @ Md. Nadim Ekbal Son of Mohammed Kaleem Ahmad
R/o Mohalla - Emkay House, Loharwagahat Gali, Nurani Bagh , P.S. -
Alamganj, Dist. - Patna. and the Permanent R/o Vilage - Narayan Palia, P.S. -
Manjhi, Dist. - Saran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna. Bihar
2. District Magistrate, Dist. - Patna.
3. Superintendent of Police, Patna.
4. Station House Officer Alamganj P.S., Dist. - Patna.
5. Shaukat Ali R/o Mohalla - Tikiya Para, 3rd floor 1/1, I.R. Beliyas Lane Post Office, P.S. and Dist. - Horah, Pin - 711101, West Bengal.
6. Rubina Khatoon Wife of Shaukat Ali R/o Mohalla - Tikiya Para, 3rd Floor 1/1, I.R. Belilious Lane Post Office, P.S. and Dist. - Howrah, Pin – 711101, West Bengal.
7. Shaguf Ali Wife of Md. Nadim Ekbal R/o Mohalla - Emkay House, Loharwaghat Gali, Nurani Bag, P.S. - Alamganj, Dist. - Patna.
8. Enaya Ekbal D/o Md. Nadim Ekbal R/o Mohalla - Emkay House, Loharwaghat Gali, Nurani Bag, P.S. - Alamganj, Dist. - Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Md. Shah Nawaz Ali, Advocate Mr. Aditya Kumar Chaudhary, Advocate
For the Respondent/s	:	Mr. P.N. Sharma, AC to A.G.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 20-04-2026 Heard learned counsel for the petitioner and learned
AC to AG for the State of Bihar.

2. By filing this writ application, the petitioner is
seeking a direction to Respondent No. 1 to 4 to recover his wife
(Respondent No. 7) and daughter (Respondent No. 8) who are



said to be in illegal detention of Respondent Nos. 5 and 6 who are the father-in-law and mother-in-law respectively of the petitioner.

3. In course of his submission, Mr. Md. Shahnawaz Ali, learned counsel for the petitioner submits that his wife is not living with him for last ten years and the daughter is also with his wife. In this regard, he had filed a petition under the Guardianship Act before the court of learned Principal Judge, Family Court, Saran at Chapra being Case No. 21 of 2025. It is submitted that the said application has been dismissed by order dated 26.02.2026 on the ground that the learned Principal Judge, Family Court, Saran at Chapra lacks territorial jurisdiction.

4. Learned AC to AG for the State of Bihar submits that this is a wholly misconceived application inasmuch as in the facts of the present case, a Writ of Habeas Corpus cannot be maintained much less it may be entertained.

5. Having regard to the entire facts as appearing from the records, we are of the considered opinion that the present application as framed cannot be entertained. The facts stated therein are clearly showing that it is not a case of illegal detention, the matrimonial discord and the custody of the daughter with the wife of the petitioner are admitted facts.



6. In result, this application is dismissed as not entertained.

7. The petitioner is at liberty to seek his remedy, as may be advised to him in accordance with law.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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