

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1093 of 2026

Arising Out of PS. Case No.-141 Year-2026 Thana- SITAMARHI District- Sitamarhi

Deepak Kumar S/o Jagdish Prasad R/o Mohalla- Sonapatti, Ward No-10, East of Janki Temple, P.O and P.S -Sitamarhi, Distt.- Sitamarhi, At present R/o village - Lakshman Nagar, ward no. 14, Sitamarhi Town, near Sita and Mahindra Coaching, P.O. and P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna-1.
3. The Inspector General of Police (Tirhut Commissioner, Muzaffarpur)
4. The Deputy Inspector General of Police (Tirhut Commissioner, Muzaffarpur).
5. The District Magistrate, Sitamarhi
6. The Superintendent of Police, Sitamarhi
7. The Officer-in-Charge, Sitamarhi, Distt.- Sitamarhi
8. Jaylash Devi W/o Ravindra Das NA
9. Premshila Kumari S/o Ravindra Sah R/o vill - Nayamthullahapur, ward no. 14, Post - Yogwana, besides the pool, P.S.- Bathnaha, Distt.- Sitamarhi
10. Ravindra Das S/o Not known R/o vill - Nayamthullahapur, ward no. 14, Post - Yogwana, besides the pool, P.S.- Bathnaha, Distt.- Sitamarhi
11. Kamlesh Sah S/o Ravindra Sah R/o vill - Nayamthullahapur, ward no. 14, Post - Yogwana, besides the pool, P.S.- Bathnaha, Distt.- Sitamarhi
12. Sunil Das S/o Jiya Lal Sah R/o vill - Khabara, Block- Mushahari, P.S.- Muzaffarpur Town, Distt.- Sitamarhi, Elder Borthor of Victim

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Devendra Kumar, Advocate
For the State	:	Mr. S.D. Sanjay, A.G.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 30-06-2026 Heard learned counsel for the petitioner and learned
Advocate General for the State.

2. This writ application has been preferred for the



following reliefs:-

“i) For issuance of writ in nature of Habeas Corpus and directing and commanding the Respondent authorities to produce the respondents No.9 along with his child in which unknown person has kidnapped etc. wife of the petitioner (Respondent No. 9) has traceless from 12.02.2026. Whereby and whereunder the petitioner has lodged Sitamarhi P.S. Case No. 141/2026 registered U/S 87 of BNS as well as also filed representation before the authorities but the authorities have not taken appropriate steps with regard to recovery of respondent no. 9.
ii) Any other relief/reliefs as your Lordships may deem fit and proper.”

3. It appears on perusal of the writ application that the wife of the petitioner has left the house of the petitioner with her child. Although in the writ application, the petitioner has given an impression that his wife is traceless but in course of hearing of the writ application, learned counsel for the petitioner has, on query made by this Court, stated that the wife of the petitioner is presently living with her parents.

4. Learned AG for the State submits that in such a case where the wife has left her husband's place and is living with her parents which is known to the husband, a Writ of Habeas Corpus would not be maintained.



5. We agree with the submissions of learned AG for the State. This Court is not dealing with a case for restitution of conjugal rights or for custody of the child. In a Writ of Habeas Corpus, this Court would not exercise its extraordinary writ jurisdiction in a matter where the wife of the petitioner is knowingly living with her parents. The petitioner is at liberty to apply for appropriate remedy, as may be advised to him.

6. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Kumar Manish, J)

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