

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1531 of 2026

Dr. Vandana Mishra W/o Dr. Neeraj Jha D/o Prabhakar Mishra, R/o 99-C, Pocket F, P.S-GTB Enclave, Dilshad Garden, Mandoli Saboli, North East, Delhi-110093, presently residing at Flat No. 703, Ozone Plaza, R.P.S. More, P.S. - Rupaspur, District - Patna, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Patna, Bihar Bihar
2. The Senior Superintendent of Police, Patna, Bihar Bihar
3. The SHO, Rupaspur P.S. - Patna Bihar
4. Neeraj Jha S/o Ganesh Chandra Jha R/o Flat No. 502, Emarat Apartment, P.O and P.S- Patliputra, District - Patna, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mrs. Pallavi Pandey, Advocate Mr. Madan Mohan, Advocate Mr. Dinkar Kr. Dubey, Advocate Mr. Ritik Shah, Advocate
For the State	:	Mr. S.D. Sanjay, AG Mr. Rahul Kumar, AC to AG Ms. Priya Gupta, AC to AG Mr. Gokesh Kumar, AC to AG Mr. Shashwat Agarwal, Advocate
For the Resp. NO.4	:	Mr. Jitendra Singh, Sr. Advocate Mr. Manish Jha, Advocate Mr. Yash Singh, Advocate Mr. Pratyush Pratap Singh, Advocate

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 29-07-2026 We have heard learned counsel for the parties and interacted with the petitioner as well as respondent no.4. The other family members such as in-laws of the petitioner and in-laws of respondent no.4 are also present. Proceeding has been held in Chambers.



2. In course of hearing, the corpus, who is six years old son of the petitioner and the respondent no.4, is present. The eldest son of the couple is also present in Chambers. This Court has interacted with all of them at length.

3. It is found that both the parties are well educated. They are doctors by profession and are capable of taking care of the children. Due to some compatibility issues, they have fallen apart and in the compelling circumstances the children are facing hardship. The respondent no.4 has filed a case being Guardianship Case No.14 of 2025 in the court of learned Principal Judge, Family Court, Patna which is still pending.

4. It is an admitted position that the corpus was in the custody of his mother (the petitioner) until 07.07.2026. The respondent no.4 claims that the corpus himself came to him and since then he is with him, whereas the petitioner has alleged that the respondent no.4 has kidnapped and taken away the minor boy from her custody without her consent.

5. Be that as it may, at this stage, after a lot of mediation work, what has been agreed upon between the parties in presence of their respective lawyers are being recorded hereunder:-

(i) The corpus who is six years old minor boy shall be



allowed to stay with his mother at Patna.

(ii) During his stay at Patna and the school days the father (respondent no.4) shall take the boy everyday in the morning from the house of the petitioner to drop at his school and shall bring him back and drop at the residence of the petitioner after the school hours. The father as well as the grand-parent of the child shall be free to visit the house of the petitioner during evening time and meet the child. The petitioner shall not cause any hindrance in the same.

(iii) As and when the petitioner goes outside Patna she will give the custody of the child to the father (respondent no.4) who will take care of the child.

(iv) At the weekend every Saturday by 10:00 AM child will be with his father (respondent no.4) who will drop the child back to the residence of the petitioner on Sunday by 10.00 AM.

(v) During long holidays and vacations both the parties have agreed to keep the child for half of the period. Accordingly, they will keep the child in their custody during holidays and long vacations. During this period, they can go with the child to visit inside India but it will be their responsibility to bring back the child before start of the school



and place him in the hand of the mother (the petitioner). Every outside Patna visit shall be reported to the Family Court in advance.

(vi) The Passport of the child shall be deposited with the Family Court and he shall not be taken outside India without permission of the Court.

(vii) It is further agreed that both the parties i.e. the petitioner and the respondent no.4 shall bear the education expenses of the children equally. The school fee, conveyance charges and other charges of the school shall be shared by both of them.

6. The above arrangements have been made as an interim measure subject to the result of the Guardianship Case which is pending before the Family Court, Patna.

7. The Additional Principal Judge, Family Court, Patna, with whom the case is pending, is directed to expedite the hearing of Guardianship Case No.14 of 2025 and all endeavours be made to conclude the same within a period of six months from the date of communication of this Court. Both the sides shall cooperate in early conclusion of the matter.

8. The eldest son Soham Jha, aged about 12 years is present and he has himself stated that during holidays as and



when his father will call him to spend time, he will definitely go with him and he has further stated that his mother has never stopped him from meeting his father.

9. The parties have undertaken not to lodge any fresh criminal case against each other and they will make all endeavours to carry on their mutual understanding recorded hereinabove in terms and spirit.

10. In case any of the parties commits breach of the conditions, the same may be brought to the notice of this Court for an appropriate order.

11. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Alok Kumar Sinha, J)

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