# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Criminal Writ Jurisdiction Case No. 2276 of 2026**

**CNR No. BRHC011101872026**

Arising Out of PS. Case No.-407 Year-2026 Thana- SUGAULI District- East Champaran

==========

Sahil Kumar Srivastav @Shyam Kumar Son of Kundan Prasad Srivastav Resident Of Village - Ward No 06 Sugauli dih, Ps- Sugauli District -East Champaran

... ... Petitioner

Versus

1. The State of Bihar through the Home Secretary Bihar Patna
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Champaran Range, Bettiah, West Champaran.
4. The Superintendant of Police, East Champaran at Motihari.
5. The Officer-In-Charge, Sugauli Police Station, Sugauli, District- East Champaran.
6. Ratan Kumar Son of Arun Kumar Srivastav Resident of villge- Sugaon Dih, Po- Sugaon, Ps- Sugauli, Dist- East Champaran

... ... Respondents

==========

**Appearance :**

| | | |
|---|---|---|
| For the Petitioner | : | Mr. Sanjeev Kumar, Advocate |
| | | Mr. Sitesh Kashyap, Advocate |
| | | Mr. Raushan Raj, Advocate |
| For the State | : | Mr. S.D. Sanjay, AG |
| | | Mr. Shashwat Agarwal, AC to AG |
| | | Ms. Shravya Pathak, Advocate |

==========

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**
**and**
**HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)**

2 29-10-2026 Heard learned counsel for the petitioner and learned Advocate General assisted by Mr. Shashawat Agarwal, learned AC to AG for the State of Bihar.

2. The petitioner in the present case is seeking the following reliefs:-

"A. For issuance of a writ in the nature

WEB COPY

of habeas corpus or any other appropriate writ, order/s, direction commanding the respondents to recover and to produce the corpus of Smt. Shweta Kumari @ Muskan Kumari who is the lawfully wedded wife of the petitioner and who is under illegal detention/captivity of the private respondent."

B. For any other relief/s to which the petitioner is found entitled to."

3. In course of hearing of the writ application, we have noticed that the victim/corpus in this case is a 24 years old lady. The petitioner claims that the corpus has solemnized marriage with him at Delhi. In this connection, he relies on a statement of the corpus (Annexure ‘P/2’) said to have been recorded by S.I. Babli Kumari of Town P.S., District- East Champaran.

3. We have further noticed that the family members of the corpus has lodged a case giving rise to Sugauli P.S. Case No. 407 of 2026 under Section 137(2)/87 of Bhartiya Nyaya Sanhita ( in short 'B.N.S.') registered on 02.08.2026 (Annexure ‘P/1’). In connection with the said case, the corpus has made statement before the S.I.

4. Be that as it may, learned counsel for the petitioner has himself produced a bunch of documents in which we find a copy of the statement signed by the corpus in which she has

WEB COPY

stated that she was going on her will and volition with her mother from Motihari Court. Her mother Rubi Devi has also declared that she has been taking her daughter with her and she would produce her before the Court as and when required.

5. Let a copy of this document be kept on the record of this Court.

6. Having regard to the entire materials on the record, we find that the corpus is a 24 years old lady and she has chosen to go with her mother to live in her village. This Court cannot interfere with this wish of the corpus.

7. Writ of Habeas Corpus is, thus, not entertainable. It is dismissed.

8. Liberty will be there to the petitioner to seek his remedy, if any, in accordance with law.

**(Rajeev Ranjan Prasad, J)**

**(Sunil Dutta Mishra, J)**

shivani/-

| | | | |
|---|---|---|---|
| **U** | | T | |

WEB COPY