

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3060 of 2025

1. Manish Kumar Shrivastava @ Manish Shrivastava @ Manish Kumar Son of Umesh Nandan Prasad Resident of village- Kailashpuri, ward no. 45, Ps- Dumara, Dist- Sitamarhi At P/A- Musapur, Ps- Samastipur (M), Dist- Samastipur, Bihar, (Wrong Address given as -Krishnapuri, West of Indra Nagar, Ps- Samastipur (M), Dist- Samastipur
2. Umesh Nandan Nirala @ Umesh Nandan Prasad son of Vishnudev Narayan Verma Resident of village- Kailashpuri, ward no. 45, Ps- Dumara, Dist- Sitamarhi At P/A- Musapur, Ps- Samastipur (M), Dist- Samastipur, Bihar, (Wrong Address given as -Krishnapuri, West of Indra Nagar, Ps- Samastipur (M), Dist- Samastipur
3. Renu Devi @ Renu Shrivastava Wife of Umesh Nandan Prasad Resident of village- Kailashpuri, ward no. 45, Ps- Dumara, Dist- Sitamarhi At P/A- Musapur, Ps- Samastipur (M), Dist- Samastipur, Bihar, (Wrong Address given as -Krishnapuri, West of Indra Nagar, Ps- Samastipur (M), Dist- Samastipur
4. Rajnish Shrivastava @ Rajnish Kumar shrivastava Son of Umesh Nandan Prasad Resident of village- Kailashpuri, ward no. 45, Ps- Dumara, Dist- Sitamarhi At P/A- Musapur, Ps- Samastipur (M), Dist- Samastipur, Bihar, (Wrong Address given as -Krishnapuri, West of Indra Nagar, Ps- Samastipur (M), Dist- Samastipur
5. Rohit Shrivastava @ Rohit Kumar Shrivastava Son of Umesh Nandan Prasad Resident of village- Kailashpuri, ward no. 45, Ps- Dumara, Dist- Sitamarhi At P/A- Musapur, Ps- Samastipur (M), Dist- Samastipur, Bihar, (Wrong Address given as -Krishnapuri, West of Indra Nagar, Ps- Samastipur (M), Dist- Samastipur
6. Lovely Kumari Daughter of Umesh Nandan prasad Resident of village- Kailashpuri, ward no. 45, Ps- Dumara, Dist- Sitamarhi At P/A- Musapur, Ps- Samastipur (M), Dist- Samastipur, Bihar, (Wrong Address given as -Krishnapuri, West of Indra Nagar, Ps- Samastipur (M), Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Home dept. Govt. of Bihar, Patna
3. The Director General of Police, Bihar Patna
4. The District Magistrate, Samastipur
5. The Superintendent of Police, Samastipur
6. The Sub-Divisional Magistrate, (SDM), Samastipur
7. The Officer-in-charge, Muffasil Ps, Dist- Samastipur
8. The Presiding officer, family Court, Samastipur (in Official capacity, for having mechanically passed an ex-parte order dated 07-12-2016, in cr.pc, 125 case no. 29 of 2015 and initiating execution Case no. 36 of 2017 without considering Petitioner's Submissions, thereby showing bias and violation of Natural Justice)



9. The Presiding officer, ACJM II, Samastipur (in Official capacity, for having mechanically passed monetary relief order dated 27-01-2023, in DV, act, Case no. 03 of 2021, without considering Petitioner's Submissions, thereby showing bias and violation of Natural Justice)
10. Priti Raj wife of Avdhesh Sinha @ Avdhesh Kumar Sinha The Secretary, Aditi Samaj Sewa Sansthan, Official Address of NGO Punjabi, Colony, Gali No. 01, Samastipur At Present Resident of village- Shambhupatti, (Chandopatti), Ps- Samastipur (M), Dist- Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar, Advocate
For the Respondent/s : Ms. Roona, AC to GP-7
Mr. Sanjay Kumar, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-02-2026 Vide order dated 27.01.2026, an explanation was called for from the official concerned for not pointing out the defect about wrong mentioning of the provisions in the present writ petition. The concerned ASO of Criminal Stamp Reporting Section has submitted his explanation wherein he has submitted that inadvertently he missed the defect and he tenders his unconditional apology and undertakes that he would do his duty with more care and promptness and such mistake would not occur in future.

2. Explanation is accepted with a warning to remain careful in future, otherwise stern action will be taken.

3. The present petition has been filed seeking the following reliefs:-

“(i) For issuance of appropriate writ/writs, order/orders or direction/directions in the nature of Certiorari for quashing the entire



proceedings by exercising powers under sections 482 of the Cr.P.C of (a) Samastipur (M) P.S. Case No.-219/2013, (b) Maintenance Case No-29/2015 (ex parte order dated 07-12-2016), (C) Execution Case Ne-36/2017, and consequential orders including order dated, 17-04-2025 (d) D.V Case No.-3/2021 pending before the Learned District Court, Samastipur and its subordinate/companion Courts, at Samastipur Court, as the same are manifestly, false, malicious and an abuse of the process of law, having been instituted maliciously to harass the petitioners.

State of Haryana V. Bhajan Lal, 1992. Supp (1) SCC 335 (guidelines on quashing where proceedings are malicious or abuse of process).

(ii),(a) For issuance of appropriate Writs, Order or direction/s in the nature of Mandamus commanding the state-respondents and their instrumentalities not to execute or enforce the Ex Parte maintenance order dated-07-12-2016 passed in M.Case No.-29/2015, since the same was obtained by fraud, suppression of material facts, and without proper Service of notice to the present petitioner No.-01

A.V. Papayya Sastry V. Govt. of A.P., (2007) 4 SCC 221 (fraud vitiates all acts)

(ii),(b) Issue a Writ of Mandamus directing the respondent State to ensure no further harassment of the petitioners in connection with the said disputes and also directing registration of F.I.R on petitioner's complaints regarding illegal custody, defamation and harassment.

(ii),(c) Issue a Writ of Mandamus directing the respondents to compensate the petitioners for his unlawful arrest, detention and malicious prosecution

(iii), (a) For issuance of an appropriate writ/s, order/s or direction/s in the nature of Prohibition restraining the Learned Courts



below from proceeding further in the aforesaid criminal/maintenance cases against the petitioner during the pendency of the present writ application, in order to protect the petitioner from irreparable loss, harassment, and multiplicity of proceedings.

East India Commercial Co. Ltd. V. Collector of Customs, AIR 1962 SC 1893 (Prohibition lies where proceedings are without Jurisdiction or in abuse of process).

(iii),(b) Issue a writ of prohibition, restraining the learned Courts below from entertaining or proceeding further in the aforesaid cases, as their Continuance would amount to harassment and denial of justice, relying upon the ratio in Pepsi Foods Ltd. V. Special Judicial Magistrate (1998) 5 SCC 749.

(iv),(a) For issuance of an appropriate writ/s order/s or direction/s in the nature of Habeas Corpus (limited purpose post release) declaring that the arrest and detention of the present petitioner No.-01 (1) from 16-05-2013 to 22-07-2013 in connection with false implication at Mufassil P.S., Samastipur; and (2) from 17-04-2025 to 16-05-2025 pursuant to execution of the ex-parte maintenance order, were wholly illegal unconstitutional, void arbitrary and violative Articles 21 and 22 of the Constitution of India, and consequently directing the State to compensate the petitioner for his repeated illegal custody and custodial torture.

Nilabati Behera V. State of Orissa, (1993) 2 SCC 746 (Compensation for illegal custody) Batra V. State of Haryana (1983) 3 SCC 61 (Habeas Corpus maintainable even post-release to examine legality of detention)

(iv),(b) Issue a limited writ of Habeas Corpus declaring the detention of the petitioner during execution proceedings as unlawful, and violative of Article 21, in view of the binding precedent in Sunil Batra v/s-Delhi Administration (1979)



(iv), (c) To declare the arrest and detention of the petitioner No.-01 in the year 2013 and unlawful and mollified, and to grant appropriate compensation for illegal incarceration and mental harassment caused.

(iv), (d) Direct the Respondents to pay compensation for illegal custody, mental, trauma, and reputational loss.

(iv), (e) Award of Compensation of Rs.-25 Lacs (Rupees 25 Lakhs only for unlawful detention and mental agony suffered by the petitioners as per Rudal Sah Vs. State of Bihar [(1983) 4 SCC 141])

(iv), (f) Direct inquiry into the circumstances of detention and award just compensation to the petitioner No.-01 for unlawful detention and torture.

(v) For issuance of an appropriate order/s or direction/s under Section 482 Cr.P.C to secure the ends of Justice by quashing all false and malicious criminal proceedings initiated at the behest of respondent No.-10 and her associates, and to prevent further misuse of criminal law machinery against the petitioner No.-01 and his family.

Pepsi Foods Ltd. vs. Special Judicial Magistrate, (1998) 5 SCC 749 (inherent powers to prevent abuse of process and secure ends of Justice).

(vi) For issuance of such other an appropriate writ/s, order/s or direction/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, including;

(vi),(a) Protection of the petitioner, who has been falsely projected as the "(so-called husband)" of respondent No.-10, and his family members from any further false implication and harassment.

(vi),(b) Directing departmental/disciplinary action against the erring police officials and other authorities who colluded with private respondents in illegally arresting and



detaining the petitioner.

(vi),(c)Awarding exemplary costs and suitable compensation with interest for the repeated malicious prosecution and custodial harassment suffered by the present petitioner No.-1

Rajesh Sharma V. State of U.P., (2017) 8 SCC 821 (guidelines against misuse of criminal law to harass "husband and his relatives" applicable here as" So- called husband"),

Nilabati Behera V. State of Orissa, (1993) 2 SCC 746 (compensation for illegal custody)."

4. Apparently, the present writ petition has been filed seeking a number of reliefs of different nature. From the relief sought by the petitioners, it appears that the petitioners are also aggrieved by the some judicial orders. At the same time, writ of *hebeas corpus* has also been incorporated in the relief portion. For such multifarious type of reliefs, single writ petition is not maintainable and, hence, the same is dismissed.

5. However, the petitioners are at liberty to have recourse of law before the appropriate forum in appropriate proceeding.

(Arun Kumar Jha, J)

V.K.Pandey/-

U			
---	--	--	--

