

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1027 of 2014

=====

1. Narendra Jha, son of Devendra Jha, Resident of Village - Andaur, P.S. Mohiuddin Nagar, District - Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police (Administration) Darbhanga Range, Distt - Darbhanga.
4. The Deputy Inspector General of Police, Administration, Darbhanga, Dist - Darbhanga.
5. The Superintendent of Police, Dist - Samastipur.
6. The District Magistrate, District - Darbhanga.
7. The Officer-in-Charge, Police Station, Mohiuddin Nagar, District - Samastipur.
8. Pradeep Singh son of Late Ajiya Nand Singh
9. Madhumala Devi wife of Late Ajiyan Nand Singh Both resident of Village - Bind Bodhaha, P.S. - Mohiuddin Nagar, District - Samastipur.
10. Sachin Kumar Singh son of Binod Singh, Resident of Village - Andaur, P.S. Mohiuddin Nagar, District - Samastipur.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Madheshwar Singh
For the Respondent/s : Mr. Devendra Kr Sinha

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 15-12-2015 Neither the petitioner nor on his behalf any counsel is present in Court. Heard Mr. Pramod Kumar Sinha, learned Assistant Counsel to Additional Advocate General-2, appearing for the respondents.

With the help of this application, made under Article 226 of the Constitution of India, the writ petitioner has sought for



issuance of a writ, in the nature of *habeas corpus*, commanding the respondent authorities to produce the kidnapped minor daughter of the petitioner from the allegedly illegal confinement of respondent Nos. 8 to 10 herein. In fact, a *First Information Report* having been lodged by the petitioner in this regard, Mohiuddin Nagar P.S. Case No. 75 of 2014 has been registered, on 29.04.2014, under Sections 363/366(A)/34 of the Indian Penal Code.

According to the statement made in the affidavit, filed by Sub-Divisional Police Officer (S.D.P.O.), Patory, Samastipur, the victim (i.e., petitioner's daughter), who was alleged to have been kidnapped, has been, in the meanwhile, recovered and by order passed by the Judicial Magistrate, Samastipur, she has been given into the custody of her parents. We also notice from the statement made, in the affidavit, that the alleged victim's statement has been recorded, on 27.02.2015, under Section 164 of the Code of Criminal Procedure. The statement of the alleged victim shows that she left her parental house on her own accord, because her brother, uncle and aunt had beaten her, because she had not been paying attention to her studies.

In view of what have been indicated above, it becomes abundantly clear that that petitioner's daughter had left her

parental house on her own and she, on being recovered, has already been given in the custody of the petitioner. This petition for *habeas corpus* has, therefore, become infructuous and needs to be closed.

In view of the above and in the interest of justice, we hereby close this writ proceeding with liberty to the petitioner to approach this Court with appropriate application, in future, if such situation arises.

With the above observations, this writ application shall stand disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

A.I./-

U			
---	--	--	--