

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1022 of 2017

Arising out of P.S. Case No.-407 Year-2017 Thana-
KANKARBAGH District- Patna

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Rashmi Kumari D/o J.P.Mandal, R/o Road No. 4,
Hanuman Nagar, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Superintendent of Police, Patna.
3. The Officer in Charge, Kankarbagh Police Station, Patna.
4. Neeraj Kumar, Son of late Fakira Chaudhary, R/o MIG-351, P.S.- Kankarbagh, District- Patna.
5. Kumari Rubi Chaudhary @ Manda W/o Gopal Saran Chaudhary, R/o Mohalla Damadia Road No.10, Gardanibagh, P.S.- Gardanibagh, District- Patna.
6. Kumari Maya W/o Binod Kumar Paswan, R/o 215B, Jatepur, Railway Colony, P.S. Shahpur, Distt. Gorakhpur(U.P.).
7. Satya Rani W/o Amit Kumar R/o Mohalla Lohanipur, P.S. Kadamkuan, Distt Patna.
8. Nandini W/o Pitambar Kr. Ranjan R/o 2B, Sushila Apartment, P.S. Bariatu, Distt. Ranchi (Jharkhand).
9. The Union of India through the Joint Director, I.B. Bihar.
10. The Joint Director, I.B. Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Sandeep Kumar, Advocate
For the State	: Md. Iqbal Asif Niazi, AC to GP-5
For the UOI	: Mr. S.D. Sanjay, Sr. Adv.
	: Mr. Kumar Priya Ranjan, CGC
For the Respondent no. 4	: Mr. Ram Suresh Rai, Sr. Adv.
	: Mr. Gyanendra Kumar Shukla, Adv.
	: Mr. Binod Kumar, Adv.
	: Mr. Pankaj, Adv.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR



ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 22-11-2017

Heard learned counsel for the petitioner, private respondents, Union of India and the State.

This application has been filed for issuance of writ in the nature of habeas corpus for production of three years old child of the petitioner and grant his custody to her.

Now, admittedly, the child is in custody of the petitioner without any direction having been given in this proceeding.

It is stated that a compromise petition was filed before the court below and in pursuant to that compromise the custody of the child has been given to the petitioner-wife.

The purpose having been served, this writ application now becomes infructuous and, as such, the proceeding is closed and the writ application stands disposed of.

It is further made clear that if there is any dispute between the husband and wife they would be at liberty to raise their respective claims before the competent forum and in doing that any interim order having been passed by this Court in the present proceeding would not come in their way.



Mr. Vivek Srivastava, Joint Director, Intelligence Bureau, Patna is present for assistance of this Court. His personal appearance is now dispensed with.

However, the next issue is with respect of recording of the Court proceeding which would continue.

On that issue, the husband himself says that Laptop is not working. Thus, we would direct that the Laptop be kept in a sealed cover and sent it to the Forensic Science Laboratory, Patna. It would be required to examine as to whether the data of recording the Court proceeding is still existing in hard disc of the Laptop or not and whether there has been any sabotage with the Laptop because the husband was directed to produce the Laptop and after one and half hours he came back to the Court to inform that the Laptop is not working as it cannot be set on. The Forensic Science Laboratory, Patna would also examine as to whether the hard disc has been formatted or not and if it has been formatted then at what time and date that has taken place and also the last date on which the Laptop has worked or opened. It would also be required to examine as to whether the motherboard of the Laptop has been damaged or sabotaged?

The Report has to be submitted by the Forensic Science Laboratory, Patna within a period of two weeks.



Put up this matter on 12th December, 2017 in Chambers at 2.15 P.M. On that date, the husband and wife would be required to remain personally present before this Court.

Let this order and the Laptop in a sealed cover be immediately sent to the Forensic Science Laboratory, Patna by the Office of the High Court.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2017
Transmission Date	NA

