

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.2317 of 2018**

Arising Out of PS. Case No.-45 Year-2018 Thana- DHAKA District- East Champaran

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Md. Kalimullah, son of Ishaq, residence of village, Haruhani, P.S. Dhaka,  
District, East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resource  
Development, Government of Bihar
3. The Director General of Police, Bihar
4. The Inspector General of Police, Tirhut Range at Muzaffarpur
5. The Deputy Inspector General of Police, Bettiah Range at Bettiah
6. The Superintendent of Police, District, East Champaran at Motihari
7. The Deputy Superintendent of Police, Sikrahana at Dhaka, District,  
East Champaran
8. The SHO, Dhaka Police Station, District, East Champaran
9. Saharbano, D/o Md. Kalimullah, Permanent, R/o Village Haruhani,  
P.S. .Dhaka, Dist, East Champaran, presently her whereabouts is not  
known to the petitioner

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Md. Anis Akhtar, Advocate          |
| For the Respondent/s | : | Mr. Saroj Kr. Sharma, A.C. to A.A.G. 3 |

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**  
**and**  
**HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)**

**Date : 25-10-2018**

Heard learned counsel for the petitioner and the State.



Counter affidavit has been filed on behalf of the State. It is stated that allegedly the girl, who has been kidnapped and for which F.I.R. has been registered, has herself filed a criminal writ bearing Criminal Writ Jurisdiction Case No.1057 of 2018 which has been disposed of vide order dated 13.04.2018, a web copy of which has been produced before us during the course of hearing. It appears therefrom that the writ petition was filed for a direction to the respondents-police officials to provide adequate security to the petitioner, Shahar Bano, as well as her husband. She was present along with her husband who appeared on wheel chair before the learned Single Judge. She has categorically stated that she has developed love and affection for the handicapped person and married him but the family members are dead against that idea. Therefore, she is facing threat as she has already married and they are living happily in their life. She has also produced a copy of her AADHAR showing her date of birth as 01.01.2000 upon which perhaps it has been considered by the learned Single Judge that she is major and has right to marry anybody of her choice.

In such a situation, since the events which have already taken even before filing of this writ petition, we are of the view that this is not a fit case in which writ of habeas corpus is required to be issued.



As a result, this writ application is dismissed.

Further it is made clear that we have not formed or expressed any final opinion with respect to the first information report which has been lodged by the writ petitioner.

**(Dr. Ravi Ranjan, J)**

**( Madhuresh Prasad, J)**

Sanjay/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 29.10.2018 |
| Transmission Date | NA         |

