

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1739 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- BELA District- Sitamarhi

SONELAL SINGH Son of Sri Shivi Singh Resident of Village - Vaya, P.S.-
Bela, Distt - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar Patna.
3. The Inspector General of Police Muzaffarpur Zone.
4. The Superintendent of Police, Sitamarhi.
5. The S.D.P.O Sadar Sitamarhi.
6. The S.H.O. Bela Police Station District - Sitamarhi.
7. The Investigating officer of the concern case P.S.- Bela, District - Sitamarhi.
8. The Superintendent Rajkiya Uttar Raksha Greeh Jayghat, Patna.
9. Bindeshwar Ram Son of late Sevak Ram Resident of Village - Pipra, Bisanpur, P.S.- Parihar, Distt - Sitamarhi.
10. Kaushalya Devi Wife of Bindeshwar Ram Resident of Village - Pipra, Bisanpur, P.S.- Parihar, Distt - Sitamarhi.
11. Shatrughan Ram Son of Late Brahmdev Ram Resident of Village - Vaya, P.S.- Bela, Distt - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Rai
For the Respondent/s : Mr.Lalit Kishore(Ag)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for the following reliefs:

“(i). A writ in the nature of habeas corpus directing
and commanding the respondents to produce victim



Manju Kumari D/o Sonelal Singh before the Hon'ble Court since aforesaid Manju Kumari was kidnapped by Shatrughan Ram. After recovery, the petitioner was not intimated about recovery of his daughter by the police and taking unilateral action the custody of Manju Kumari was given to one Bindeshwar Ram and Kaushalya Devi contrary to the orders of the learned court, which creates doubts that some mischief has been made by flouting the court's orders. The custody of Manju Kumari after production before the Hon'ble Court may kindly be given to this petitioner for end of justice.

(ii) The respondents may kindly be directed to make investigation as to when, and how Manju Kumari was recovered?

(iii) The respondents may also be directed to investigate as to how and under which circumstances the custody of Manju Kumari was given to Bindeshwar Ram and Kaushalya Devi on 04.04.2019 in contradiction of Court's order to give custody of Manju Kumari to her husband.

(iv) The respondents may kindly also be directed to investigate the relationship to ascertain the identity of Bindeshwar Ram and Kaushalya Devi, since from records, it is not evident that how aforesaid persons are related to the husband of Manju Devi?

(v) The respondents also be directed to investigate and ascertain the relationship of Shatrughan Ram with Bindeshwar Ram and Kaushalya Devi. Since the name of father of Shatrughan Ram has been



mentioned in FIR as late Brahmadev Ram and mother's name is musmat Phool Kumari Devi, it creates doubt that some mischief has been made and custody of Manju Kumari has been given to Bindeshwar Ram.

It has come on record that daughter of the petitioner is major. On her own accord, she joined the company of a person other than her husband. It is the father's grievance that despite the judicial order having been passed by the court below, his daughter has not joined the company of her husband.

Be that as it may, prima facie, we do not find that the daughter of the petitioner to have been illegally detained by anyone. As such the petition in its present form is not maintainable.

At this stage, learned counsel for the petitioner states that petitioner may be permitted to withdraw the present petition reserving liberty to take recourse to such remedy as is otherwise available in accordance with law. Learned counsel further express apprehension of the matter not being decided expeditiously by either of the authorities. Without joining issue, considering the facts and circumstances, we allow the petitioner to withdraw the present petition with liberty to approach the authorities concerned.



We only hope and expect that the authorities as are
duty bound, to decide the petitioner's case, as and when filed,
expeditiously and in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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