

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.428 of 2021

Arising Out of PS. Case No.-941 Year-2020 Thana- MADHAURAH District- Saran

Menka Devi Wife of Late Brijmohan Singh Resident of Village - Narharpur-
Chamari, P.S.- Madhaura (Gaura O.P.), District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna.
3. The Deputy Inspector of Police, Saran at Chhapra.
4. The D.M. Saran at Chhapra.
5. The S.D.M. Madhaura, Saran at Chhapra.
6. The Superintendent of Police, Saran at Chhapra.
7. The Dy. S.P., (S.D.P.O.), Madhaura, Saran at Chhapra.
8. The S.H.O. Madhaura, Distt. - Saran at Chhapra.
9. The Incharge, Gaura O.P. Under P.S. Madhaura, Distt. - Saran at Chhapra.
10. Shamsher Singh @ Bikki Singh S/O Ashok Singh Resident of Village and
P.S. - Bhardah, Distt. - Gazipur, U.P.
11. Chandan Singh S/O Ram Kuwar Singh Resident of Village - Ahiapur, P.S. -
Ratan Distt. - Baliya, U.P.
12. Raju Singh S/O Ramdev Singh Resident of Village - Tenua Nartaya, P.S. -
Madhaura (Gaura O.P.), Distt. - Saran at Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Udai Shankar Singh, Advocate
For the Respondent/s	:	Mr. P.N.Sharma, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 15-03-2021 Petitioner has prayed for the following reliefs: -

“I. Issuance of an appropriate writ(s), order(s) or
directions(s) in the nature of Habeas Corpus to the
respondent authority to produce The Minor



daughter aged about 17 years of the petitioner from illegal and unlawful custody of private respondents number 10 to 12. Who have kidnapped and taken away forcibly in the night at about 8 p.m. on 1.12.2020.

II. Issuance of an appropriate writ(s), order(s) or direction(s) as to why the respondent government machinery particularly the respondent number 3 Deputy Inspector General of Police and respondent number 6 superintendent of police, Saran responded number 5 Dy. Superintendent of Police, Saran and respondent number 8 and 9 not directed to respond and take appropriate steps under section 98 of the CrPC for immediate release Restoration of the abducted minor girl kept under unlawful and illegal custody /detention of respondent no. 10 to 12 in view of the facts and circumstances of this case.

III. Issuance of an appropriate writ(s), order(s) or direction(s) to the respondent authorities to take proper steps by constituting a special investigation team of police personals (SIT) to take proper action against accused and arrest private respondent number 8 to 10 namely Shamsheer Singh(res. no. 10), Chandan Singh(res. no. 11) and Raju Singh(res. no. 12) who have kidnapped the minor girl forcibly and still kept her in their illegal and unlawful custody / detention.

IV. Issuance of an appropriate writ(s), order(s) to the respondents authorities to take proper investigation and proper action against respondent number 10 to 12 and to arrest them immediately.

V. Issuance of an appropriate writ(s), order(s),



direction(s) which your lordship may deem fit and proper in the facts and circumstances of this case.

Learned counsel for the State states that the present petition has become infructuous inasmuch as post recording of the statement of the victim girl under Section 164 Cr.P.C., the victim voluntarily chose to reside with her in-laws where she is presently residing.

In this view of the matter, the present petition stands disposed of, reserving liberty to take recourse to such other remedies, as are otherwise available in law, including revival of the present petition, if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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