

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.500 of 2021

Arising Out of PS. Case No.-352 Year-2020 Thana- MANIYARI District- Muzaffarpur

Laxman Paswan Son of Late Ram Ashish Paswan @ Ram Sheesh Paswan
Resident of village - Shiwanpatti, P.S. - Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through Home Secretary, Government of Bihar, Old Secretariat, Patna Bihar
2. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
3. The Inspector General of Police, Tirhut Range, Muzaffarpur. Bihar
4. The Senior Superintendent of Police, Muzaffarpur. Bihar
5. The Assistant Superintending of Police, West, Muzaffarpur. Bihar
6. The officer -in-Charge, Maniyari, P.S. Muzaffarpur. Bihar
7. Arjun Kumar Son of Ram Chandra Paswan Resident of Village - Shiwanpatti, P.S. - Maniyari, District - Muzaffarpur.
8. Arun Kumar Son of Ram Chandra Paswan Resident of Village - Shiwanpatti, P.S. - Maniyari, District - Muzaffarpur.
9. Arvind Kumar Son of Ram Chandra Paswan Resident of Village - Shiwanpatti, P.S. - Maniyari, District - Muzaffarpur.
10. Karan Kumar Son of Ram Chandra Paswan Resident of Village - Shiwanpatti, P.S. - Maniyari, District - Muzaffarpur.
11. Raj Kumari Devi Wife of Ram Chandra Paswan Resident of Village - Shiwanpatti, P.S. - Maniyari, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Addvocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

6 07-09-2021 The petitioner has filed the instant writ application

under Article 226 of the Constitution of India for recovery of his

daughter Rupa Kumari.



A counter affidavit has been filed on behalf of the respondent no. 4, Senior Superintendent of Police, Muzaffarpur wherein it is stated that the S.H.O, Muzaffarpur had lodged Manihari P.S. Case No. 352 of 2020 on 16.12.2020 for the incident which took place on 10.12.2020 under Sections 366 and 365 read with section 34 of the Indian Penal Code against the respondent nos. 7 to 11. During investigation of the case, the Investigating Officer arrested two accused persons namely Shiv Chandra and Arun Paswan and they were remanded to judicial custody on 24.03.2021 & 25.03.2021 respectively. It is further contended in the counter affidavit that the investigating officer of the case recovered the victim and produced her before Court on 06.04.2021 for the purpose of recording her statement under Section 164 Cr. P.C. Thereafter, learned Judicial Magistrate, 1st Class, West Muzaffarpur recorded the statement of the victim under Section 164 Cr. P.C. and the said victim has been sent to Government Protection Home, Gaighat, Patna under the orders of the Court.

Considering that the victim has already been recovered and being a minor she has been sent to Government Protection Home pursuant to an order passed by the Court of Magistrate, we are of the opinion that the instant writ



application in the nature of *habeas corpus* has become infructuous. The legality or otherwise of the order by the learned Magistrate whereby the victim has been sent to Protection Home has not been challenged in the present application. Even otherwise, the said order could not have been the subject matter of a Habeas Corpus writ petition in view of the ratio laid down by a Full Bench of this Court in **Sikha Kumari Vs. State of Bihar & Ors.** since reported in **2020 (2) PLJR 15.**

Accordingly, the writ application is disposed of as infructuous.

(Ashwani Kumar Singh, J)

(Arvind Srivastava, J)

Jagdish/-

U		T	
---	--	---	--

