

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.228 of 2020

Arising Out of PS. Case No.-801 Year-2019 Thana- SARAIYA District- Muzaffarpur

Rajkishor Paswan Son of Ramashray Paswan Resident of Village - Repura
Rampur Balli, P.s.- Sariyan, O.P.- Jaintpur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The Principal Secretary, Home Department, Govt. of Bihar, Patna. Bihar
4. The D.I.G. Trihut Range, Muzaffarpur. Bihar
5. The Senior Superintendent of Police, Muzaffarpur. Bihar
6. The S.H.O., Saraiya, P.S.- Muzaffarpur. Bihar
7. The Incharge, Jaintpur, O.P., P.S. Saraiyan, Dist.- Muzaffarpur. Bihar
8. Saroj Kumar Son of Shivrath Paswan, Resident of Village - Repura Rampur
Balli, P.S.- Saraiyan, O.P.- Jaintpur, Dist.- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 04-09-2021 Nobody has joined the Court proceedings being held
through video conferencing on behalf of the petitioner.

Learned counsel for the State is present.

The petitioner has filed the present application for
issuance of a writ of *habeas corpus* to the respondent to
recover his minor daughter from the custody of respondent



no. 8 and produce her before the Court so that she may be set free.

A counter affidavit has been filed on behalf of the State. It would appear from para 6 of the counter affidavit that on the basis of the written statement submitted by the petitioner Saraiya (Jaitpur OP) P.S. Case No. 801/2019 was registered under Sections 363, 366A and 504/34 of the Indian Penal Code on 30.11.2019 and investigation was taken up. During investigation of that case, the alleged victim was recovered by the Investigating Officer on 26.6.2020 from Muzaffarpur Railway Station. Her statement was recorded under Section 161(3) of the Code of Criminal Procedure. The police produced her before the Court of Sub-divisional Judicial Magistrate (West), Muzaffarpur and her statement was also recorded under Section 164 Code of Criminal Procedure. It would further appear from the aforesaid paragraph 6 of the counter affidavit that the petitioner filed an application before the Court of A.C.J.M. - I, (West), Muzaffarpur on 26.6.2020 itself for obtaining the custody of his minor daughter which was allowed and the victim was handed-over to the petitioner on the same date.

Learned counsel for the State submitted that in



view of the subsequent developments during investigation of the case, the writ in nature of *habeas corpus* has become infructuous.

In view of the assertions made in the counter affidavit filed on behalf of the respondent no. 5 and the submissions made by the learned counsel for the respondents, the writ petition is disposed of as infructuous.

(Ashwani Kumar Singh, J)

(Madhuresh Prasad, J)

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