

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.258 of 2022

Arising Out of PS. Case No.-166 Year-2021 Thana- HATHAURI District- Samastipur

Rash Bihari Choudhary @ Rashbihari Son of Arun Kumar Choudhary
Resident of Village - Ram Bhadrapur, P.s.- Hathauri (Shivaji Nagar O.P.),
Distt.- Samastipur, State - Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna. Bihar
2. The Principal Home Secretary, Govt. of Bihar, Patna. Bihar
3. The Director General of Police, Govt. of Bihar, Patna. Bihar
4. The Superintendent of Police, Samastipur. Bihar
5. The Deputy Superintendent of Police, Rosera. Bihar
6. The Officer in charge, Hathauri P.S., Samastipur. Bihar
7. Md. Nizam Ali Son of Md. Basir Ali Resident of Village - Ram Bhadrapur,
P.s.- Hathauri (Shivaji Nagar O.P.), Distt.- Samastipur, State - Bihar.
8. Md. Mustafa Ali Son of Md. Basir Ali Resident of Village - Ram Bhadrapur,
P.s.- Hathauri (Shivaji Nagar O.P.), Distt.- Samastipur, State - Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore(A.G), App

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 24-06-2022 This application has been filed seeking issuance of a writ in the nature of Habeas Corpus directing the State-Respondents particularly respondents No. 4 to 6 to produce the petitioner's minor girl who, according to the petitioner, is in custody of private respondents No. 7 and 8. Learned counsel



appearing on behalf of the petitioner has submitted that the victim is in the custody of said private respondents No. 7 and 8 who have kidnapped her for the purpose of marriage.

It is admitted position as asserted in the writ petition itself that alleging that the victim is with private respondents no. 7 and 8. In such circumstance, in the court's opinion, the prayers seeking direction to the state-respondents to produce the girl who is said to be minor by issuance of writ in the nature of Habeas Corpus is misconceived. This application is accordingly dismissed. It is to be noted that a criminal case has already been instituted by the petitioner registered as Hathauri P.S. case No. 166 of 2021.

(Chakradhari Sharan Singh, J)

(Khatim Reza, J)

Gaurav Kumar/-

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