

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 837 of 2022

Arising Out of PS. Case No.-649 Year-2021 Thana- SIKARPUR District- West Champaran

Md. Javed Akhtar, Male, aged about 34 years, Son of Nesar Ahmad, Resident of village - Deoliya, Ward No.- 06, P.O.- Narkatiaganj, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Deputy Inspector General of Police, Champaran Range, Bettiah.
4. The Superintendent of Police, Bettiah, West Champaran.
5. The Sub Divisional Police Officer, Narkatiaganj, West Champaran.
6. Inspector-cum-S.H.O., Shikarpur Police Station, West Champaran (Bettiah).
7. Nikhil Kumar, Son of Anil Kumar.
8. Anil Kumar, Son of Late Yogendra Prasad.
9. Rani Devi, Mother of Nikhil Kumar. Wife of Anil Kumar,
10. Sister of Nikhil Kumar (Name Not Known).
11. Sushil Kumar, Son of Late Yogendra Prasad.
12. Sunil Kumar, Son of Late Yogendra Prasad.
13. Chandan Kumar, Son of Late Yogendra Prasad.
14. Sagar Gupta, Son of Not Known
All resident of Shivganj, P.S.- Shikarpur, District - West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

4 27-09-2022 Heard Mr. Prashant Kumar, learned counsel for the

petitioner and Mr. Prabhu Narayan Sharma, learned A.C. to

learned Advocate General for the State.



2. Pursuant to order dated 13.09.2022, supplementary counter affidavit has been filed on behalf of the respondent no. 4 (Superintendent of Police, Bettiah, West Champaran).

3. The petitioner has moved the Court for the following reliefs:-

(i) Issuance of writ in the nature of Habeas Corpus for a direction to the respondent authorities to ensure forthwith release of the sister of the petitioner from the illegal confinement of Respondent No. 7 to 14 since 22.05.2022 and maintaining golden silence by the respondent no.1 to 6, who are being approached and requested by the petitioner, tirelessly and continuously and yet no action is being taken by Official Respondents 1 to 6 and nor even F.I.R. has been Lodged inspite of repeated requests of the petitioner.

(ii) Issuance of an appropriate writ/writs including a writ in the nature of mandamus commanding the respondents to forthwith release the Petitioner's Sister from the illegal custody and confinement of Respondent No. 7 to 14 since 22.05.2022 and further directing them to explain before this Hon'ble Court as to under what authority they have done this act and further to ask the Respondent no. 1 to 6 as to why no action has been taken by them inspite of repeated requests made by the petitioner from time to time.

(iii) Issuance of any other appropriate writ(s), Order(s), direction(s) as it may be deemed fit and proper in the facts and circumstances of the case.



4. In the counter affidavit it has been stated that the girl has been recovered and pursuant to a formal judicial order, she has been kept in the Child Welfare Committee, Bettiah for sending her to a proper protection home.

5. At this juncture, learned counsel for the petitioner submitted that the concern of the petitioner, being the brother of the victim girl, was with regard to her well being and safety which on a production has now been addressed and thus the writ petition has become infructuous.

6. Having regard to the aforesaid, the writ petition stands disposed of. It shall be open to the parties to take recourse to the remedy available to them under law.

7. The Court records its appreciation for the efforts of Mr. Prabhu Narayan Sharma, learned State counsel for ensuring the prompt recovery of the girl.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

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