

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1301 of 2022

Arising Out of PS. Case No.-648 Year-2022 Thana- ALAMGANJ District- Patna

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Jully Devi, aged about 38 years, General-Female, W/O Tarkeshwar Sah,
Resident of Village- Chailital, in front of Bajrangbali, P.S.- Alamganj,
District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Government of Bihar,
Patna.
2. The Inspector General of Police, Government of Bihar, Patna.
3. The Superintendent of Police, District Patna, Bihar.
4. The Officer In Charge, Khajekalan Police Station, District- Patna.
.....Respondent Ist Set.
5. Sunny @ Sadar User of Mobile No- 6204633687, 9308635246.

... .. Respondent 2nd Set

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Appearance :

For the Petitioner	:	Mr. Jay Ram Prasad, Advocate
For the Respondents	:	Mr. Lalit Kishore (A.G)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 01-12-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The following relief has been sought for on behalf of
the petitioner in the present criminal writ application.

“For issuance of appropriate writ/writs,
order/orders and direction/directions to the
respondents authority to recover the minor girl
of the petitioner who has been kidnapped by the
respondent 2nd set and for taking step to arrest
the respondent 2nd set, in connection with
Alamganj P.S. Case No. 648/2022 dated
25.08.2022 registered for the offence under



Section 366(A) of the I.P.C. which was lodged by the petitioner.

The facts which lead to filing of the present criminal writ application are that the petitioner has filed Khajekalan P.S. Case No. 648 of 2022 registered under Section 366(A) of the I.P.C. against one Sunny @ Sardar (respondent no. 5) on 28.08.2022 for abduction of her minor daughter. The grievance of the petitioner is that till date the daughter of the petitioner has not been recovered. Hence, the present criminal writ application has been preferred.

It has been submitted by learned counsel for the petitioner that her minor daughter is still traceless and the police has not taken any steps to recover her daughter.

Learned counsel for the State submits that investigation is under process.

Considering the aforesaid facts of the case, we find that the petitioner has an alternative remedy available under Section 98 of Cr.P.C. Therefore, we deem it appropriate to direct the petitioner to file an application under Section 98 of Cr.P.C. before the District Magistrate, Patna, within a period of four weeks from today.

In case, the petitioner files an application under the above mentioned provision of Cr.P.C., the District Magistrate,



Patna, shall pass necessary order, on the application filed on behalf of the petitioner, within a period of eight weeks from the date of filing of such application, in accordance with law.

With the aforesaid direction, the present criminal writ application stands disposed of.

(Sudhir Singh, J)

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(Shailendra Singh, J)

