

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1319 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- ATHMALGOLA District- Patna

Md. Kalamuddin @ Kalam, aged about 65 years, Gender-Male, Son of Md. Navi Vaks Miyan, Resident of Mohalla- Sabnima, P.O and P.S- Bakhtiyarpur, Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar, Patna.
2. The Inspector General of Police, Bihar, Patna.
3. The Superintendent of Police, Patna.
4. The Deputy Superintendent of Police, Patna.
5. The Officer-in-Charge, Athmalgola Police Station, Patna.
6. The Investigating Officer, Athmalgola Police, Patna.
7. Raja Kumar, aged about 23 years, Gender-Male, Son of Vinod Mistri, R/V and Post Sabnima, P.S- Athmalgola, Dist- Patna, Pin- 803212
8. Vinod Mistri, aged about years, Gender-Male, Son of not known, R/V and Post- Sabnima, P.S- Athmalgola, Dist- Patna, Pin- 803212.
9. Asharfi Devi, aged about years, Wife of Binod Mistri, R/V and Post Sabnima, P.S- Athmalgola, Dist- Patna, Pin- 803212.
10. Sabnam Khatoon, aged about 23 years, Gender-Female, Daughter of Md. Kalamuddin @ Kalam, Resident of Mohalla- 18 Sabnima P.O. and P.S.- Bakhtiyarpur, Dist- Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mrs. Rekha Prasad, Advocate
For the Respondent Nos. 3 to 6	:	Mr. Sheo Shankar Prasad, S.C.8
For the Respondent Nos. 7 and 10:	:	Mr. Suraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

5 23-02-2023 Heard the parties.

The following reliefs have been sought for on behalf
of the petitioner in the present criminal writ application:



1 “(I) For issuance of writ of habeas corpus directing the respondent nos. 1 to 6 to produce respondent no. 10, Sabnam Khatoon who is the daughter of the petitioner and has been kidnapped and confined by respondent nos. 7 to 9 and not allowing her to come and meet the petitioner and his family members.

(ii) For issuance of writ of mandamus directing the respondent authorities to show cause as to why no action has been taken against respondent nos. 7 to 9 for such a criminal act though F.I.R. lodged by the petitioner on 08.01.2022 bearing Athamalgola P.S. Case No. 04 of 2022 under Sections 366, 506 and 34 of the I.P.C.

(iii) For issuance of writ of mandamus upon respondents to show cause as to how the statement of mentally sick girl (Sabnam Khatoon who is being treated since the year 2011) under Section 164 Cr.P.C., was recorded. She was not brought by the police rather she came from the house of respondent nos. 7 to 9 and again sent to them.

(iv) For issuance of direction/order to the respondent authorities to fairly investigate the matter and produce the daughter of the petitioner in this Hon’ble Court in chambers so that the actual fact may be come into the light.”

A counter affidavit has been filed on behalf of the State i.e, respondent nos. 3 to 6. The 164 Cr.P.C. statement of the victim has been enclosed as Annexure-‘B’ series to the counter affidavit filed on behalf of the State. The court had assessed the age of the victim as 23 years. As per the declaration of corpus (victim) her age was also 23 years. In her statement before the court she has admitted that she had left the house out of her own will and got married to the respondent no. 7 and she



is residing with him. In her statement recorded under Section 164 Cr.P.C. she has further prayed to the court that criminal prosecution, which is pending against her husband and other in-laws members, be quashed.

Learned counsel for the respondents have further relied upon the case of *Lata Singh Vs. State of U.P. and another (Writ Petition (Crl.) No. 208 of 2004, reported in (2006)5 SCC 475.*

After some argument, learned counsel for the petitioner seeks permission to withdraw the present criminal writ petition.

Permission is accorded.

Accordingly, the present criminal writ petition is dismissed as withdrawn.

(Sudhir Singh, J)

(Dr. Anshuman, J)

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