

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.103 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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1. Chandani Khatoon W/O Wasim Ahmad Resident of Mohalla- Bagdulhan, Ward No.- 22, P.S.- Hazipur Town, District- Vaishali, Hazipur.
 2. Md. Wasim Ahmad, S/O Late Jamil Ahmad resident of Mohalla- Bagdulhan, P.S.- Hazipur Town, District- Vaishali at Hajipur.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Old Secretariat, Patna
3. Superintendent of Police, Vaishali, Hazipur, P.O. Hazipur, District- Hazipur. Bihar
4. Dy. Superintendent of Police, Hazipur
5. Office-In-Charge, Town Police Station, Hazipur, Vaishali
6. FAIAZ AHMAD S/O ABDUL RASHID Resident of village- Bagdulhan, Hazipur, P.S.- Hazipur Town, District- Vaishali.
7. RAISH S/O ABDUL RASHID Resident of village- Bagdulhan, Hazipur, P.S.- Hazipur Town, District- Vaishali.
8. JAMILA KHATOON W/O ABDOOL RASHID Resident of village- Bagdulhan, Hazipur, P.S.- Hazipur Town, District- Vaishali.
9. NUJHAT PRAVEEN D/O MD. ZAMIL AHMAD Resident of village- Bagdulhan, Hazipur, P.S.- Hazipur Town, District- Vaishali.
10. NIKHAT PRAVEEN D/O MD. ZAMIL AHMAD Resident of village- Bagdulhan, Hazipur, P.S.- Hazipur Town, District- Vaishali.
11. SAKIL AHMAD S/O MD. ZAMIL AHMAD Resident of village- Bagdulhan, Hazipur, P.S.- Hazipur Town, District- Vaishali.
12. MD. GULAM JILANI S/O NOT KNOWN Resident of village- Mathura, P.S.- Bidupur, District- Vaishali at Hajipur

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2023 From Annexure 'A' to the counter affidavit filed on

behalf of respondent no. 3, it appears that the allegations made

by the petitioners have been inquired into and those have been



found false. The counter affidavit reveals that petitioner no. 1 Chandani Khatoon was earlier married to one Fiyaaz Ahmad in the year 2012 and out of the said wedlock, they had got three daughters. It is revealed that Chandani Khatoon fled away with one Wasim Ahmad in the year 2021 along with her three daughters. Wasim Ahmad has got two brothers, namely, Sakil Ahmad and Tanjin Ahmad who are deaf and dumb and three daughters, namely, Saahin Praveen who is dumb, Nikhaat Praveen has been married to Md. Gulam Jilani and presently, she is residing at Tata.

2. Chandani Khatoon had fled away from the house of her first husband with Wasim Ahmad along with ornaments, cash and other belongings and also sold 1.5 katha of land of the share of Wasim Ahmad to one Abhijeet Kumar. According to the police report, the entire villagers informed that brothers and sisters of Md. Wasim Ahmad are very poor and Chandani Khatoon had never visited the house of Wasim Ahmad. Her ex-husband, Fiyaaz Ahmad had filed a Complaint Case No. 585 of 2022 in the court of learned C.J.M., Vaishali in respect of kidnapping of his wife upon which Town P.S. Case No. 899 of 2022 has been instituted for the offences under Sections 366 and 380 of the Indian Penal Code against Wasim Ahmad. The



petitioner no. 1 was thereafter recovered on 24.12.2022 and was brought to the police station from where she escaped and in this connection, a station diary entry has been made.

3. Having regard to the kind of allegations against the petitioners and the inquiry report of the police authorities as contained in Annexure 'A' to the counter affidavit, this Court is of the considered opinion that this writ application, as framed, cannot proceed. The petitioner no. 1 is facing certain allegations and she is said to have escaped from police station.

4. This Court would, therefore, not entertain this writ application. It is dismissed.

(Rajeev Ranjan Prasad, J)

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