

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1316 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- LAUKARIA District- West Champaran

RAMASARI DEVI Wife of Surendra Uraon Resident of Village - Bharthapur,
Police Station - Laukaria, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through The Secretary, Home Affair, Government of Bihar, Patna. Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The Inspector General of Police, Muzaffarpur. Bihar
4. The Deputy Inspector General of Police, Bettiah, Champaran Range. Bihar
5. The Superintendent of Police, Bagaha, West Champaran. Bihar
6. The Deputy Superintendent of Police, Bagaha West Champaran. Bihar
7. S.H.O. Laukaria Police Station, West Champaran. Bihar
8. Deepak Uraon Son of Chandradeo Uraon Resident of Bariarwa, Police Station - Semra, District - West Champaran.
9. Chandradeo Uraon Son of Channu Uraon Resident of Bariarwa, Police Station - Semra, District - West Champaran.
10. Ramni Devi Wife of Chandradeo Uraon Resident of Bariarwa, Police Station - Semra, District - West Champaran.
11. Sumit Uraon Son of Chandrika Uraon Resident of Bariarwa, Police Station - Semra, District - West Champaran.
12. Krishna Uraon Son of Chandrika Uraon Resident of Bariarwa, Police Station - Semra, District - West Champaran.
13. Sachiya Devi Wife of Chandrika Uraon Resident of Bariarwa, Police Station - Semra, District - West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s :
For the Respondent/s : Mr .Lalit Kishore

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 08-01-2024

None appears for the petitioner.



2. In the instant writ petition, petitioner has prayed for the following relief/reliefs:

“That this application is being filed for issuance of an appropriate writ/ writs nature of Habeas Corpus, directing / commanding the respondent authorities to take appropriate action in Laukaria Police Station Case No. 08 of 2021 under sections 147, 366A, 376, 323/ 34 Indian Penal Code and the daughter of the Information / petitioner may be recovered who is still traceless after proper investigation.”

3. Counter affidavit has been filed on behalf of Investigating Officer one *Mr. Sanjay Kumar Sinha* who is Sub-Inspector of Laukariya Police Station, Bagha, West Champaran. Perusal of paragraph No. 6 which reads as under:

“That at this stage it is humbly stated and submitted that the present habeas corpus petition is neither tenable nor maintainable in view of the fact stated herein below, specially the fact that during the course of investigation the victim namely Ujjala Kumari was recovered on 13.05.2022 from Bagha Bus Stand. Thereafter initially her statement was recorded u/s 161 and on the same day the victim Ujjala Kumari was produced before the concerned Judicial



Magistrate, where her statement was recorded u/s 164 of Cr.P.C. on 13.05.2022, in which she was refused to go with her parents. Thereafter she has been kept in Balika Sudhar Grih, Motihari under the authority of the court below. It is humbly stated and submitted that recently the full Bench of this Hon'ble Court in Shika Kumari's case, since reported in (2020) 2 PLJR 15 (FB) has held that the habeas corpus is not lie against the judicial order."

4. Reading of the aforesaid paragraph No. 6, grievance of the petitioner has been redressed, reserving liberty to invoke appropriate remedy for further grievance, if any.

5. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

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