

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2531 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- Gadhiya Bazar District- East Champaran

Mamta Devi, Wife of Pramod Singh, Resident of Village- Tetaria Police
Station - Garhiya District- East Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. District Magistrate, East Champaran
3. Superintendent of Police, East Champaran
4. Sub-Divisional Deputy Superintendent of Police, Pakri Dayal, East Champaran
5. Officer-in-charge of Garhiya PS, East Champaran
6. Investigating Officer of Garhiya PS Case no. 42/2025
7. Navin Kumar Son of Nandkishor Yadav Resident Of Village- Pipra Eman, PS- Garhiya Bazar, Dist- East Champaran
8. Nishindra Kumar Son of Nandkishor Yadav Resident Of Village- Pipra Eman, PS- Garhiya Bazar, Dist- East Champaran
9. Nandkishor Yadav Son of Lalbabu Rai Resident Of Village- Pipra Eman, PS- Garhiya Bazar, Dist- East Champaran
10. Sripati Devi Wife of Nand Kishor Yadav Resident Of Village- Pipra Eman, PS- Garhiya Bazar, Dist- East Champaran

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the Respondent/s : Mr. P.N. Sharma, AC to A.G.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 19-09-2025 Heard learned counsel for the petitioner and learned

AC to AG for the State of Bihar.

2. The petitioner in the present case is seeking a writ

in the nature of Writ of Habeas Corpus commanding the



respondent authorities to recover the victim daughter of the petitioner from illegal custody of Respondent No. 7.

3. On perusal of the writ application, it appears that with regard to the occurrence which took place on 26.02.2025, the mother of the victim has lodged a case on 06.03.2025 and in the said written information, she has stated that the victim girl went for defecation on 26.02.2025 at 02:30 AM (night hours) whereafter she did not return. There are allegations that the accused was forcibly talking with her and the daughter of the petitioner seems to have been taken away for purpose of marriage.

4. Learned AC to AG submits that since the FIR has already been registered, police is investigating the case and appropriate action in course of investigation will be taken.

5. Although, we find that the petitioner has filed a writ application seeking a writ in the nature of Writ of Habeas Corpus, we are of the opinion that the petitioner may take his cause to an appropriate Bench dealing with the matter relating to proper investigation of the case wherein she may address her grievance.

6. We permit the petitioner to convert this writ application in Cr.WJC for purpose of direction towards proper investigation of the case.



7. Let the conversion be done within one week from today whereafter the matter shall be listed before appropriate Bench.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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