

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2953 of 2025

Arising Out of PS. Case No.-286 Year-2021 Thana- BATHNAHA District- Sitamarhi

Kamran Khan, S/O Habibul Khan, Resident of Village and P.O.- Kamldah,
P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Home, Govt. of Bihar, Patna.
2. The Principal Secretary, Home Dept., Govt. of Bihar, Patna.
3. The Superintendent of Police, Sitamarhi.
4. The Officer Incharge of Bathnaha P.S., District- Sitamarhi.
5. Neyaz Khan, S/O Ali Raja Khan, Resident of Village- Kamldah, P.S.- Bathnaha, District- Sitamarhi.
6. Rabbana Khatoon, D/O Neyaz Khan, W/O Kamran Khan, Resident of Village- Kamldah, P.S.- Bathnaha, District- Sitamarhi

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Md Anisur Rahman, Advocate
		Mr. Md. Khalid Anwar, Advocate
For the State	:	Mr. P.N. Sharma, AC to AG
For the Resp Nos. 5 & 6 :		Mr. Sangeet Deokuliar, Advocate

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 19-11-2025 Heard learned counsel for the petitioner and learned

AC to AG for the State of Bihar as also learned counsel for the

Respondent Nos. 5 and 6.

2. Pursuant to our order dated 17.11.2025, the Officer

Incharge of Bathnaha Police Station, Sitamarhi (Respondent No.

4) has produced the corpus (Respondent No. 6). Respondent No.

5 is also present in person.

3. In presence of the learned Advocates, we have



interacted with the corpus first. She has categorically admitted her marriage with the petitioner and desired to go with him to live peacefully.

4. Respondent No. 5, who is present in person, has stated that he had not kept Respondent No. 6 confined and would have no objection at all if Respondent No. 6 has decided to go with the petitioner.

5. The petitioner is present in person. He has submitted that Respondent No. 6 is his wife and he will keep her with full dignity and care and will take care of her security.

6. Learned counsel for the parties have endorsed the stand taken by the petitioner and Respondent Nos. 5 and 6.

7. In the aforesaid view of the matter, we allow this writ application. The Respondent No. 6 is set at free to go with the petitioner and live her life as per her choice.

8. In view of the order above, the impugned order dated 15.12.2021 passed in Bathnaha P.S. Case No. 286 of 2021 by the Additional Sessions Judge-VI-cum-Special Judge, Sitamarhi is hereby quashed.

9. We have noticed that in her 164 CrPC statement also, the victim had disclosed that she had married to the petitioner in Gaziabad Court and she was living with him,



nobody had kidnapped her and she wanted to go with her husband, still she was sent to Alpwas Grih.

10. Learned counsel for Respondent No. 5 has placed before this Court some certificates showing the date of birth of Respondent No. 6 as that of the year 2005, however, with the writ application Annexure 'P/8' is the certificate of Bihar State Madrasa Education Board, Patna in which the date of birth of Respondent No. 6 is recorded as 02.06.2000.

11. We are of the considered opinion that the impugned order handing over Respondent No. 6 in favour of her parents was not a correct order. The said order has lost its relevance. The impugned order stands quashed.

12. Accordingly, this writ application is allowed.

13. The Officer-in-charge, Bathnaha Police Station is directed to drop the petitioner and Respondent No. 6 at appropriate place as per their desire i.e. in the district of Sitamarhi, however, their whereabouts shall not be disclosed by the Officer-in-charge.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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