

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2320 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- BENIPATTI District- Madhubani

Sanju Devi wife of Ravidar Mandal, R/o - Salhu, ward No.03, P.S - Benipatti,
District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Dept. of Home, Bihar, Patna bihar
2. The Secretary, Deptt. of Home, Old Secretariat, Patna, Bihar bihar
3. The Director General of Police, Patel Bhawan, Bailey Road, Patna, Bihar Bihar
4. The Inspector General of Police, Darbhanga Range, Darbhanga, Bihar Bihar
5. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga Bihar Bihar
6. The Superintendent of Police, Madhubani, Bihar Bihar
7. The Deputy Superintendent of Police, Benipatti, Dist- Madhubani, Bihar Bihar
8. The Sub-Divisional Police Officer, Benipatti, Dist- Madhubani, Bihar Bihar
9. The Officer Incharge, Benipatti Ps, Benipatti, Dist- Madhubani, Bihar Bihar
10. Krishna Mandal Son of Pukar Mandal @ Ram Pukar Mandal R/o - Salhu, ward No.03, P.S - Benipatti, District - Madhubani
11. Vishal Mandal son of Balbodh Mandal R/o - Salhu, ward No.03, P.S - Benipatti, District - Madhubani
12. Viku Mandal Son of Dukhi Mandal R/o - Salhu, ward No.03, P.S - Benipatti, District - Madhubani
13. Sachin Mandal son of Sanjay Mandal R/o - Salhu, ward No.03, P.S - Benipatti, District - Madhubani
14. Pukar Mandal @ Ram Pukar Mandal son of Ram Pukar Mandal R/o - Salhu, ward No.03, P.S - Benipatti, District - Madhubani
15. Ranju Devi wife of Ram Pukar Mandal R/o - Salhu, ward No.03, P.S - Benipatti, District - Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha
For the Respondent/s	:	Mr. A.A.G. 04,
Personal Appearance	:	Mr. Abhishek Kumar, I.O.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 17-02-2025 The instant writ petition under Article 226 of the



Constitution has been filed by the petitioner praying for the issuance of a writ in the nature of mandamus directing the I.O. of Benipatti P.S. No. 190 of 2024 and the official respondents for proper investigation of the case to find out the kidnapped minor girl of the petitioner. The petitioner in the instant case is the mother of the minor girl who was a student of Class 8 in the year 2024. On 10th August 2024, the said minor girl of the petitioner was going to her school at about 10:00 AM, when the accused Krishna Mandal, Vishal Mandal, Deepu Mandal and Sachin Mandal kidnapped her with the intention to perform marriage of the said minor girl with Krishna Mandal. The petitioner approached the parents of Krishna Mandal, namely, Pukar Mandal and Ranju Devi, requesting them to tell their son Krishna to return their minor daughter but they abused her and told that the girl was kidnapped for the purpose of marriage with Krishna.

2. Though a case was registered on 11th August 2024, under Section 96 of the BNS, 2023, the investigating officer did not take any steps to find out the said minor girl and failed to conduct a proper investigation.

3. On the basis of an order dated 28th January 2025, the I.O. of the case is present with the case diary. He submitted a



photocopy of the case diary. It appears from the case diary that the I.O. could ascertain that accused Krishna Mandal took away the victim girl to Nepal; therefore, the I.O. could not recover the victim girl and arrest the accused. It is submitted on behalf of the respondents that the I.O. conducted raids to arrest the accused persons but failed.

4. It is found from the averments made by the petitioner that the parents of the accused, namely, Krishna Mandal knew that the victim girl was kidnapped by Krishna for the purpose of performing marriage. They were made accused in Benipatti P.S. Case No. 190/24. The I.O., however, did not make any attempt to interrogate them or to arrest them to find out the victim girl and the accused persons. It is ascertained from the case diary that the I.O. found that the victim girl was taken away to Nepal. The I.O. did not interrogate the members of SSB (Seema Suraksha Bal) who were on duty on the border of India and Nepal to know whether they saw the victim and the accused. The bordering police station of Nepal was also not alerted; therefore, this Court on perusal of the case diary finds that the investigation is absolutely perfunctory, there is every possibility that the victim girl may be recovered.

5. Under such circumstances, the instant writ petition



is disposed of, directing the Superintendent of Police, Madhubani, Bihar, respondent no. 6 herein, to constitute a special investigating team and proceed with the investigation in a proper direction so that the accused persons may be apprehended and the victim girl may be recovered at an early date.

6. With the above order, the instant writ petition is disposed of.

7. Let a copy of this order be sent to the respondent no. 6, Superintendent of Police, Madhubani, for information and necessary action.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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