

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.197 of 2026

Rampreet Goswami, S/o Nemdhari Goswami, Aged about 52 years, Resident of Gram Mocharim, Post Mocharim, Mosa Mor, Bodhgaya, P.S.- Bodhgaya, District- Gaya, Bihar 824231

... .. Petitioner

Versus

1. The State of Bihar, through its Chief Secretary, Govt. of Bihar, Old Secretariat, Patna-800015 Bihar
2. The Director General of Police, Bihar, Police Headquarters, Bailey Road, Patna- 800001 Bihar
3. The District Magistrate, Gaya, District- Collectorate, Gaya, Bihar Bihar
4. The Superintendent of Police, Gaya, Office at District Police Headquarters, Gaya, Bihar Bihar
5. The Officer-in-Charge, Police Station Bodhgaya, P.S. Bodhgaya, District- Gaya, Bihar Bihar

... .. Respondents

Appearance :

For the Petitioner : Mr. Sachina, Advocate
For the Respondents : Mr. P.N. Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 12-02-2026 Heard learned counsel for the petitioner and learned counsel for the Respondent-State.

2. The brief facts of the case are that on 05.09.2025, the daughter of the informant (petitioner), namely Manisha Kumari, had gone to the market to purchase vegetables but did not return home thereafter. The informant attempted to contact her on her mobile phone, which was found switched off. Despite making diligent efforts to search her whereabouts, she could not



be traced. Upon searching her room, the informant discovered a letter purportedly written by her, wherein she stated that she had left the house of her own free will for the purpose of pursuing her further education. Subsequently, the petitioner submitted a written complaint to the Officer-in-Charge, Police Station, Bodhgaya (Annexure – 1) regarding the alleged occurrence. However, it is the grievance of the petitioner that no FIR has been registered in connection with respect to the said complaint till date.

3. Upon hearing the submissions advanced on behalf of the parties and perusal of the entire materials available on the record, the limited issue that arises for consideration is that *Whether a writ of Habeas Corpus is maintainable when the alleged detainee has voluntarily left her home, and there is nothing on record to show her illegal/ unlawful detention.*

4. The writ of *Habeas Corpus* lies only in those cases where a person has been illegally detained by the state authorities or an individual. The petitioner has to, *prima facie*, show a case of illegal confinement. The Hon'ble Apex Court in ***Union of India v. Yumnam Anand M.*** reported in **(2007) 10 SCC 190** has observed as under:

“7. Article 21 of the Constitution having declared that no person shall be deprived of



life and liberty except in accordance with the procedure established by law, a machinery was definitely needed to examine the question of illegal detention with utmost promptitude. The writ of habeas corpus is a device of this nature. Blackstone called it “the great and efficacious writ in all manner of illegal confinement”. The writ has been described as a writ of right which is grantable ex debito justitiae. Though a writ of right, it is not a writ of course. The applicant must show a prima facie case of his unlawful detention. Once, however, he shows such a cause and the return is not good and sufficient, he is entitled to this writ as of right.”

5. Further, in the case of ***Home Secretary (Prison) and Others v. H. Nilofer Nisha***, reported in ***(2020) 14 SCC 161***, it has been held in para no. 16 that:

“16.Even though, the scope may have expanded, there are certain limitations to this writ and the most basic of such limitation is that the Court, before issuing any writ of habeas corpus must come to the conclusion that the detenue is under detention without any authority of law.”

6. Considering the settled position of law and the complaint given by the petitioner which is annexed as ‘Annexure -1’, it is evident that the daughter of the petitioner,



who is a major, has left the house on her own free will. There is no evidence to suggest that she was subjected to any form of illegal confinement.

7. Accordingly, the issue framed is answered in negative. In view of the above facts and circumstances, we find no merit in the present criminal writ petition, and the same stands dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

*Gaurav Kumar,
Ibrar/-*

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