

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.162 of 2026

Sahana Khatun @ Sahana Khatoon, Wife of Md. Safik Miya, Resident of
Ward No. 05, Dharampur Jairam, Po- Rahua, P.S- Rahua, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Dept. of Home (Police) Patna Bihar The State of Bihar, through the Additional Chief Secretary, Department of Home (Police), Bihar Sardar Patel Bhawan, Nehru Marg Patna, Patna Bihar.
2. The Additional Chief Secretary (ACS HOME), Department of Home (Police), Bihar Sardar Patel Bhawan, The Additional Chief Secretary (ACS HOME), Department of Home (Police), Bihar Sardar Patel Bhawan, Nehru Marg Patna.
3. The Director General of Police (DGP), Sardar Patel Bhawan, Nehru Marg Patna, Bihar.
4. The Additional Director General of Police (Head Quarter), Bihar, Patna Sardar Patel Bhawan Patna The Additional Director General of Police (Head Quarter), Bihar, Patna Sardar Patel Bhawan Nehru Marg Bihar, Patna.
5. The Additional Director General of Police (Legal, Budget), Bihar, Patna Sardar Patel Bhawan Patna The Additional Director General of Police (Legal, Budget), Bihar, Patna Sardar Patel Bhawan Nehru Marg Bihar, Patna.
6. The Additional Director General of Police, Criminal Investigation Department (CID) Bihar, Patna The Additional Director General of Police, Criminal Investigation Department (CID) Bihar, Patna Sardar Patel Bhawan Nehru Marg Bihar, Patna
7. The Inspector General of Police, Darbhanga Range, Darbhanga.
8. The Deputy Inspector General of Police, Darbhanga Range, Patna.
9. The Superintendent of Police, Samastipur, Bihar.
10. The Additional Superintendent of police, Samastipur, Bihar.
11. The Deputy Superintendent of Police, legal, Samastipur, Bihar.
12. The Sub Divisional Police Officer Rosera, I Samastipur, Bihar.
13. The Sub Divisional Police Officer Rosera, II Samastipur, Bihar
14. The Station House Officer, Rosera, Police Station, Samastipur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rohit Kumar, Advocate Mr. Manish Kumar No. 13, Advocate Ms. Shreya, Advocate
For the Respondent/s	:	Mr. Amish Kumar, AC to AG



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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 11-03-2026 Heard learned counsel for the parties.

2. The petitioner has preferred the present writ application for the following relief(s) :

"(I) For issuance of a writ, in the nature of WRIT OF HABEAS CORPUS directing the Superintendent of Police, Samastipur to take the Victim boy Mohammad Salman (Son of Petitioner) Aged about 16 years from the custody of miscreants, who has illegally detained the victim boy in their custody

(II) For issuance of a writ of mandamus directing the Superintendent of Police, Samastipur to produce the victim girl in the Hon'ble Court and be released the victim boy Mohammad Salman (Son of Petitioner) Aged about 16 years from the custody of the miscreant, and be handed over him to parents and it is further be pleased to take necessary legal steps against miscreant in accordance with law.

(III) For issuance of any other writ/writs, for granting any other relief/reliefs for which petitioner is found



entitled to the facts and circumstances of the present case."

3. Considering the facts and circumstances of the case, the petitioner is granted liberty to avail the appropriate statutory remedy by filing an application before the District Magistrate, Samastipur under Section 100 of Bharatiya Nagarik Suraksha Sanhita, 2023, which reads as follows:-

"100. If any District Magistrate, Sub-divisional Magistrate or Magistrate of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper."

4. In case, any such application is filed before the District Magistrate, Samastipur, he shall take appropriate action in accordance with law, redressing the grievance of the petitioner.

5. With the aforesaid liberty, the present writ



application stands disposed of.

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

(Sudhir Singh, J)

(Sunil Dutta Mishra, J)

Rajesh/-

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