

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.287 of 2026

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Jaynal Miah S/O Hossen Ali R/O Village Peulaguri (Middle), P.O- Baraatiabari, P.S- Dinhata, District- Cooch Behar, West Bengal. Presently Working at Shan, Brick Kiln, R/o Gram- Gola Gappa, Kailash Chowk, P.S. and Dist.- Kishanganj.

... .. Petitioner/s

Versus

1. The Union of India through its Deputy Secretary Ministry of Labour and Employment Jaisalmer House, 26 Man Singh Road, New Delhi-110011.
2. The State of Bihar through its Chief Secretary, Government of Bihar, Patna. Bihar
3. The District Magistrate, Kishanganj, District-Kishanganj Bihar
4. The Senior Superintendent of Police, Kishanganj Bihar
5. The Labour Commissioner, Government of Bihar, Labour Resource Department Government of Bihar, Niyojan Bhawan, Bailey Road, Patna.
6. The Station House Officer (S.H.O.), Kishanganj Police Station, District-Kishanganj Bihar
7. Fakurruddin Son of not known to the petitioner, Owner of-Shan Brick Kiln, Resident of Gram - Gola Gappa, Kailash Chowk, P.S.- Kishanganj, District - Kishanganj.
8. Enamul Son of Not Known to the petitioner Co-Owner of Shan Brick Kiln Resident of Gram - Gola Gappa, Kailash Chowk, P.S.- Kishanganj, District - Kishanganj.
9. Sabbir Son of Not Known to the petitioner Co-Owner of Shan Brick Kiln Resident of Gram - Gola Gappa, Kailash Chowk, P.S.- Kishanganj, District - Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy, Advocate Ms. Akanksha Malviya, Advocate Ms. Naina Nancy, Advocate
For the UOI	:	Dr. Krishna Nandan Singh, ASG Ms. Kalpana, CGC

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 11-02-2026 The present writ application has been filed for the



following reliefs:

“I. For issuance of Writ/Writs, Order/Orders, Direction/Directions in the nature of Habeas corpus directing the Respondent No. 1 to 6 to get the persons named in Paragraph No.4 of this petition released from the illegal custody and detention of Respondent No. 7,8 and 9 along with their belonging and further prayer is to direct Respondent No.1 to 6 to immediately make payment of the due Wages to the petitioner as well as the persons named in Paragraph no. 4 of this petition from whom Respondent No. 7, 8 and 9 have taken work of preparing kaccha bricks in their brick klin.

II. For commanding Respondent State of Bihar and its authorities to immediately appoint a Warrant Officer to locate the detenues, whose names have been mentioned in Paragraph No. 4 of the present petition and to take suitable legal action against Respondent Nos. 7,8 and 9 under the provision of Bounded Labour (Abolition) Act, 1976 and Inter State Migrant Workmen (Regulating of Employment and Condition of Service) Act, 1979.

III. For commanding the respondent, State of Bihar and its authorities to rescue and rehabilitate the detenues, whose names have been mentioned in Paragraph No.4 of this petition and after their release from the illegal custody of Respondent Nos. 7, 8 and 9 in accordance take all possible steps to rehabilitate them in accordance with the provisions contained in Bounded Labour (Abolition) Act, 1976.

IV. From commanding the respondent



authorities to issue rescue certificate/release certificate to the petitioner and to completely rehabilitate the petitioner, who were working under bondage condition as per Central Scheme for Rehabilitation, of Bonded Labour, 2016.

V. For commanding the respondent authorities to immediately rescue the bounded labourers mentioned in Paragraph No. 4 of the present writ application from the illegal custody of Respondent No. 7 to 9 and to further provide rehabilitation to them as per Central Sector Scheme for Rehabilitation of Bounded Labour, 2016.

VI. For any other relief/reliefs for which the petitioner is found to be entitled in the facts and circumstances of the present case.”

2. After some argument, learned counsel appearing on behalf of the petitioner confines the relief sought in the present criminal writ application to Samina Khatoon, Anogir Haque, Sarjeena Khatoon, AaroHi Khatoon, Alam Miyan, and Usna Khatoon. It is submitted that the aforesaid persons, who are relatives of the petitioner, are allegedly under illegal confinement by private respondent Nos. 7 to 9, who are stated to be the owners of a brickkiln.

3. In view of the limited relief now pressed, the present writ application is disposed of with liberty to the petitioner to approach the concerned local police station.



4. Upon such approach being made, the police authorities shall conduct a prompt enquiry to ascertain whether the aforesaid persons are under any illegal confinement.

5. If, upon enquiry, it is found that the said persons are under illegal confinement, the police authorities shall take immediate and appropriate steps in accordance with law to secure their release. However, if it is found that they are working at the brickkiln of their own free will, no coercive action shall be taken against the private respondents, and the said persons shall not be disturbed.

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

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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