

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.320 of 2026

Arising Out of PS. Case No.-309 Year-2024 Thana- GORIAKOTHI District- Siwan

Omi, Daughter of Nishikant Singh @ Narhari Singh @ Narhadi Singh
Resident of Village- Sadipur, P.S.- Goreyakothi, District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna. Patna
2. The Superintendent of Police, Siwan.
3. The Sub divisional Police officer, Mahrajganj, Siwan.
4. The Station House Officer (SHO), Goreyakothi Police Station, Siwan
5. The Investigating Officer (I.O.) of Goreyakothi P.S. Case concerned District- Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Upadhyay, Advocate Mr. Raju Prasad, Advocate Ms. Tetara Kumari, Advocate Mr. Manjesh Raj, Advocate Mr. Kumar Rajdeep, Advocate
For the Respondent/s	:	Mr. Amish Kumar, A.C. to A.G

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 18-02-2026 Heard learned counsel for the parties.

2. The following relief has been sought in the present
criminal writ petition:

“For issuance of a writ in the nature of Habeas Corpus for production and release of the detenue namely Anu Kumari (aged about 26 years) who has been illegally arrested on 31.01.2026 by Goreyakothi Police and is present in unlawful detention.”



3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been made an accused in Goreyakothi (Siwan) P.S.Case No. 309 of 2024, registered for the offences under Sections 126(2), 118(1), 117(2), 115(2), 109, 103 and 3(5) of the Bhartiya Nyay Sanhita. It is further submitted that the Investigating Officer submitted the final form (Police Report) on 18.04.2025, wherein the petitioner was shown as not sent up for trial. It is submitted that despite submission of the said final form, the petitioner was taken into judicial custody on 31.01.2026.

4. In spite of the Investigating Officer having submitted the final form in favour of the petitioner, this Court finds no justifiable reason as to how the petitioner was taken into judicial custody. It is further indicated that, till date, no judicial order has been passed by the court concerned on the said police report submitted by the Investigating Officer.

5. From the materials available on record, it *prima facie* appears that the petitioner, a lady, has been taken into judicial custody without there being any judicial order and in apparent contravention of Article 21 of the Constitution of India.

6. Considering the aforesaid facts and circumstances, the petitioner is directed to be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Siwan, in connection with Goreyakothi (Siwan) P.S.Case No. 309 of 2024, if not required in any other case.

7. Accordingly, the present writ petition stands disposed of.

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

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sujit/-

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