

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.494 of 2026

Arising Out of PS. Case No.-572 Year-2025 Thana- RAMPUR District- Gaya

1. Mohammad Kalim Khan Son of Mohammad Makbul Alam Resident of Road No.3, New Karimganj, Katari Hill Road, P.S. Civil Lines, District-Gaya.
2. Shakila Bano Wife of Mohammad Kalim Khan Resident of Road No.3, New Karimganj, Katari Hill Road, P.S. Civil Lines, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Gaya, District-Gaya, State Bihar.
3. The Officer in-charge, Rampur Police Station, District-Gaya, State Bihar.
4. Ejaz Ahmed Son of Abdul Aziz Resident of Talab Pada, Rawla Chowk, Ward No.17, P.S. Kotwali, District- Baran, State Rajasthan.
5. Parvez Alam Son of Abdul Aziz Resident of Talab Pada, Rawla Chowk, Ward No.17, P.S. Kotwali, District- Baran, State Rajasthan.
6. Ronak Parveen Daughter of Mohammad Kalim Resident of Road No.3, New Karimganj, Katari Hill Road, P.S. Civil Lines, District-Gaya. At present residing at Talab Pada, Rawla Chowk, Ward No.17, P.S. Kotwali, District-Baran, State Rajasthan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kanchan Kr Singh, Adv.
For the Respondent/s : Mr. P.N. Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 17-03-2026

Heard learned counsel for the parties.

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

"That the present petition is being filed by the petitioners invoking the extraordinary writ jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India seeking issuance of an appropriate writ in the nature of Habeas Corpus directing the respondent authorities to produce the petitioners' daughter namely Ronak Parveen, aged about 24 years,



before this Hon'ble Court. It is respectfully submitted that the petitioners are constrained to approach this Hon'ble Court in view of Rampur Police Station Case No.572 of 2025 dated 06.11.2025 registered under section 137(2) of the Bharatiya Nyaya Sanhita, 2023, and the fact that their daughter is presently stated to be residing in the State of Rajasthan in connection with the said case. The petitioners seek limited judicial intervention only for the purpose of enabling this Hon'ble Court to ascertain the free will, safety and welfare of their daughter in the backdrop of the pending criminal proceedings."

3. Considering the facts of the case and the materials available on record, and in view of the settled legal position that a writ of *Habeas Corpus* is an extraordinary and discretionary remedy which may not be exercised where an effective statutory remedy is available, reliance can be placed upon ***Tejaswini Gaud v. Shekhar Jagdish Prasad Tewari, (2019) 7 SCC 42***, wherein the Hon'ble Supreme Court has in para 19 observed the following:

"19. Habeas corpus is a prerogative writ which is an extraordinary remedy and the writ is issued where in the circumstances of the particular case, ordinary remedy provided by the law is either not available or is ineffective, otherwise a writ will not be issued...."

4. Accordingly, the petitioners are granted liberty to avail the appropriate/alternate statutory remedy by filing an application under Section 101 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which reads as follows:-



"101. Power to compel restoration of abducted females - Upon complaint made on oath of the abduction or unlawful detention of a woman, or a female child for any unlawful purpose, a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may make an order for the immediate restoration of such woman to her liberty, or of such female child to her parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary."

5. With the aforesaid liberty, the present writ petition stands disposed of.

6. It is clarified that this Court has not expressed any opinion on the merits of this case.

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

(Sudhir Singh, J)

(Shailendra Singh, J)

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