

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.911 of 2026

Arising Out of PS. Case No.-160 Year-2026 Thana- KHUSRUPUR District- Patna

Dhananjay Kumar, Son of Sri Laldeo Rai Resident of Village- Srirampur,
P.S.- Raghapur, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar Patna
3. The Senior Superintendent of Police, Patna
4. The Superintendent of Police, Rural, Patna
5. The Officer-in-Charge, Khushrupur Police Station, Patna

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Pravin Kumar Sinha, Advocate
For the State	:	Mr. P.N. Sharma, AC to A.G

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 14-05-2026 Let the rejoinder of the petitioner be taken on the
record.

2. Heard learned counsel for the petitioner and learned
AC to AG for the State of Bihar.

3. The petitioner in the present writ application is
seeking a Writ in the nature of Writ of Habeas Corpus
commanding the respondent authorities to produce the victim
who is the elder brother of the petitioner before this Court and
justify his arrest in connection with Khusrupur P.S. Case No.
160 of 2026 registered under Section 30(a) of the Bihar



Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act of 2016'). The petitioner further prays for issuance of a writ in the nature of Mandamus commanding the respondent authorities to take all possible steps to safeguard the life and liberty of the victim and his children.

4. On perusal of the materials available on the record, this Court finds that on 14.03.2026, the S.H.O., Khusrupur Police Station in the district of Patna recorded his self-statement at Baikatpur Ganga Ghat giving rise to Khusrupur P.S. Case No. 160 of 2026 dated 14.03.2026 under Section 30(a) of the Act of 2016. The self-statement of S.H.O. Sanjeev Kumar reads as under:-

“On 14.03.2026 at 21:59 Hours, he got information on the official mobile phone that soil is being cut from the field of one Dhuri Paswan, S/o Late Ramsharan Paswan, resident of Baikatpur Paswan Tola, Police Station Khusrupur, District-Patna situated on the bank of Baikatpur Ganga River. The informant informed this to his senior police official and went to the Baikatpur Ganga Ghat with police team. He reached Paswan Chauk, Baikatpur at 22:25 Hours where he picked Dhuri Paswan and his children, get them into the official vehicle and went to the field of Dhuri Paswan situated on the bank of



Baikathpur Ganga Ghat. He saw that soil had been cut from the field of Dharmendra Paswan which is adjacent to the field of Dhuri Paswan. He was searching the persons who had cut the soil at nearby places in the torch light then he saw a boat loaded with jute and plastic bags on the bank of the river, one person was sitting on the boat and another person was having bag on his head which he was placing on the bank of the river. On seeing the police party, the person with the bag on his head left the bag on the bank, got into the boat and they fled towards the mainstream of the river. Due to night hours, no independent witness was available nearby, hence, in the presence of the police, the jute and plastic bags left on the bank of the river were searched from which country made liquor was found. From the three jute bags, three plastic bags containing 60 litres country made liquor each, total 180 litres were seized and from two white colour plastic bags, two plastic bags of 60 litres country made liquor each, total 120 litres were seized, one blue colour Nokia Keypad phone was also seized and seizure list was prepared. The two unknown persons and the owner of the mobile phone were made accused under Section 30(a) of the Act of 2016.”

5. Learned counsel for the petitioner submits that



when the petitioner and the family members of the missing person went to the police station, the S.H.O. informed them that the victim Deepak Kumar jumped into the water while trying to flee away in the Ganges. Learned counsel submits that the petitioner has a doubt over the role of police and it appears that his brother has been arrested and his life is in danger.

6. This Court called for a counter affidavit from the Superintendent of Police, Patna. The counter affidavit is available on the record. It is sworn by the S.D.P.O., Fatuha. In the counter affidavit, report of the Station House Officer, Khusrupur is enclosed as Annexure 'R3/A'. As per this report, the victim Deepak Kumar was not arrested. The S.H.O. had shown the petitioner that in the lock up (*hajat*) of the police station, his brother was not detained. Police had registered one FIR against the unknown persons who had fled away from the bank of the river after seeing the police party. According to the police version, they had fled away with a boat leaving the jute bag on the bank of the river.

7. It is stated that on the basis of the written report submitted by the petitioner, an FIR has been instituted vide Khusrupur P.S. Case No. 169 of 2026 dated 18.03.2026 under Section 140(3) of the Bhartiya Nyaya Sanhita, 2023. During



investigation, the CDR and CAF details have been called for and requisition has been sent for this purpose. During investigation, details of the missing person were sent to the Wireless Control Room for dissemination of information and necessary action. It is stated that after examination of the CDR records, no concrete material surfaced regarding the whereabouts of the missing person. In paragraph '18' of the counter affidavit, it is stated that the police officials deployed spies/informers for collecting information regarding the missing person and also pasted notices/posters relating to the missing person in the locality as well as at the place of occurrence.

8. Learned AC to AG submits that the Hon'ble Supreme Court has issued certain guidelines with regard to the missing person in its judgment in the case of **Pinki versus State of Uttar Pradesh and Another** reported in **(2025) 7 SCC 314**. It is stated that presently, no trace of the victim has been found. Police has been making sincere efforts and several directions have been issued to the Investigating Officer for the recovery of the petitioner's brother.

9. Having considered the averments made in the writ application as well as the counter affidavit and the rejoinder, this Court is of the considered opinion that the respondents are



themselves saying that they are abiding by the directions of the Hon’ble Supreme Court in the case of **Pinki** (supra) taking it a case of missing person.

10. At this stage, we direct the Senior Superintendent of Police, Patna (Respondent No. 3) to keep monitoring as well as supervising the progress made in this case every fortnight and take all possible steps to find out the victim.

11. This Court is of the opinion that the State is obliged to act promptly and swiftly to trace the victim and apprise the family of the victim with the result of the investigation and the efforts taken thereon at the earliest. With these observations and directions, this writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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