

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1054 of 2026

Arising Out of PS. Case No.-132 Year-2026 Thana- LALGANJ District- Vaishali

Meena Devi W/O Mithlesh Paswan, R/O Village- Sirsa Ghasi, P.S- Lalganj,
District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar Old Secretariat, Patna
2. The Inspector General of Police, Tirhut Division, Muzaffarpur Bihar
3. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur Bihar
4. The Senior Superintendent of Police, Distt.- Vaishali at Hajipur. Bihar
5. The Superintendent of Police, Distt.- Vaishali at Hajipur Bihar
6. The Deputy Superintendent of Police, Dist.- Vaishali at Hajipur Bihar
7. The Station Head Officer (S.H.O.), Lalganj Police Station, Distt.- Vaishali at Hajipur Bihar
8. Sipahi Lal Sahni S/O Late Girbal Sahni R/O Village- Kowa Mohabbatpur, P.S.- Lalganj, Distt.- Vaishali.
9. Radha Devi W/O Sipahi Lal Sahni R/O Village- Kowa Mohabbatpur, P.S.- Lalganj, Distt.- Vaishali.
10. Shiv Shankar Sahni S/O Late Suryadeo Sahni R/O Village-Sirsa Ghashi @ Chhatrauli, P.s.- Lalganj, Distt.- Vaishali.
11. Tara Devi W/O Shiv Shankar Sahni R/O Village-Sirsa Ghashi @ Chhatrauli, P.s.- Lalganj, Distt.- Vaishali.
12. Shibu Kumar S/o Shiv Shankar Sahni R/O Village-Sirsa Ghashi @ Chhatrauli, P.s.- Lalganj, Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. P.N. Sharma, AC to AG

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 15-05-2026 This writ application has been filed seeking the following reliefs:-

"(i) For issuance of writ in the nature of Habeas



Corpus or any other appropriate writ / writs, order / orders, direction/directions, for the following :-

(A) For issuance of direction to the Respondent Authorities to produce the corpus namely Kajal Kumari before the Hon'ble Court and upon production, set the corpus at liberty from the illegal, unlawful and improper detention of the private respondents and be pleased to restore the custody of the corpus namely Kajal Kumari to the appellant in terms of the judicial Order dated 25.03.2026 passed by the Learned Addl. Chief Judicial Magistrate VIII, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 132 /2026.

(ii) For issuance of writ in the nature of Mandamus or any other appropriate writ/writs, order / orders, direction/directions, for the following :-

(A) To declare that act of the officer of Vaishali Mahila Police in handing over the custody of the corpus namely Kajal Kumari to the Private Respondents, is illegal, arbitrary, unconstitutional, colourable exercise of power and contemptuous.

(B) For direction to the competent authority to take appropriate actions against the erring police officials who have violated the order of learned Court below and have acted against the judicial order and illegally favouring the Private Respondents, who have illegally and forcefully detained the corpus namely Kajal Kumari.

(C) For direction to all the concerned, to ensure safety of the life and liberty of the corpus namely Kajal Kumari as enshrined under the constitution of India during pendency of the writ petition.



(iii) To issue any other order/ orders, direction/directions for which the petitioner, found entitled to. "

2. It is the case of the petitioner that her son, namely, Vishal Kumar used to live at Bengaluru and was working in Catalyst Company for earning his livelihood. The corpus, namely, Kajal Kumari, aged about 25 years, used to live with her maternal uncle near the house of the petitioner. The son of the petitioner and the corpus fell in love and they solemnized marriage with their free will and volition. To substantiate this statement, photocopy of the affidavits have been brought on record as Annexure-3 series.

3. It is stated that father of the corpus lodged Lalganj P.S. Case No.132 of 2026 under Sections 137(2) and 87 of the Bhartiya Nyay Sanhita, 2023 (in short 'BNS') against the son of the petitioner with an allegation that her daughter, namely, Kajal Kumari went to hospital but she did not return. He expressed an apprehension that some one has kidnapped his daughter. He also alleged that in course of search, he came to know that Vishal Kumar has kidnapped his daughter.

4. It is stated that the son of the petitioner and said Kajal Kumari both returned on 20.03.2026 whereafter the statement of Kajal Kumari was recorded under Section 183 BNS before the learned Magistrate.

5. It is submitted that Kajal Kumari has made a



statement before the learned Magistrate in which she disclosed her age as 25 years and she desired to go with her mother-in-law Meena Devi (the petitioner). The learned A.C.J.M.-VIII, Civil Court, Vaishali passed order dated 25.03.2026 by which he directed the I.O. of the case to leave the corpus as per her will at a secured place. Accordingly, the corpus was left with her mother-in-law.

6. In paragraph '13' of the writ application, the following statements have been made:-

"That on 13.04.2026 the Mahila Police Station Vaishali at Hajipur called Kajal Kumari. She went to police station with the petitioner and others where private respondents were already present. Thereafter, against the order of Learned. Court below and against the will of Kajal Kumari, the Mahila Police Station Vaishali at Hajipur forcefully handed over the custody of Kajal Kumari to the private respondents and the private respondent forcefully took away Kajal Kumari with them. Son of the petitioner namely Vishal Kumar made an application to the said effect to Superintendent of Police Vaishali at Hajipur on 15.04.2026 and the petitioner also informed the said occurrence to the Inspector General of Police Tirhut Division, Muzaffarpur and Dy. Inspector General of Police Tirhut Division Muzaffarpur on 20.04.2026 but in vain."

7. Taking note of the statements made in paragraph '13'



of the writ application, this Court called upon the Superintendent of Police, Vaishali at Hajipur to produce the corpus in Chambers. Pursuant to the order of this Court, corpus has been produced.

8. This Court has interacted with the corpus in presence of learned counsel for the petitioner as well as learned AC to AG for the State of Bihar. The corpus, namely, Kajal Kumari has stated that she is more than 25 years old. She has produced her Intermediate Annual Examination Marks Statement showing that she had passed her Intermediate from Rajkiyakrit Bhagwan Shankar Sr. Secondary School, Lalganj, Vaishali in the year 2023. A copy of the application form submitted by her for admission in Babasaheb Bhimrao Ambedkar Bihar University has also produced in which her date of birth is mentioned as 01.01.2001. The corpus has made statement before this Court that she was forcibly handed over to her parents even as she wanted to go with her mother-in-law. This was done on 13.04.2026 in Mahila police station, Vaishali at Hajipur where she was called by the S.H.O., Mahila police station at the instance of the private respondents. She has desired to go with her mother-in-law Meena Devi. The petitioner is present in person with her husband, namely Mithlesh Paswan. They have expressed their desire to take the corpus Kajal Kumari with them to their house. Kajal Kumari has also desired to go with them.



9. In the given facts and circumstances where it is crystal clear that the corpus Kajal Kumari is major, she has solemnized marriage with Vishal Kumar and as per order of the court she was allowed to go with her mother-in-law but later on she was called in Mahila police station, Vaishali at Hajipur from where she was forcibly handed over to her parents, we direct the S.I., Lalganj police station who has brought Kajal Kumari and presented before this Court to allow her to go with her mother-in-law Meena Devi who is present in Court.

10. Having regard to the kind of complaints, we have noticed in paragraph '13' of the writ application which get substantiated from statement made by Kajal Kumari in presence of the learned Advocates at the Bar in Chambers, we direct the Superintendent of Police, Vaishali at Hajipur to look into the matter, initiate an appropriate proceeding against the erring police official who may be found involved in unnecessarily calling Kajal Kumari in Mahila police station at the instance of her parents and then handing over her forcibly to her parents.

11. In the opinion of this Court, such officers who are indulged in such unlawful act be removed from the police station immediately until the proceeding comes to an end. The Superintendent of Police, Vaishali at Hajipur shall submit an action taken report to this Court within three months from the date of



receipt/communication of a copy of this order which will be placed before this Court for perusal.

12. At this stage, this Court has been informed by learned counsel for the petitioner that the relative of Kajal Kumari is a co-villager of the petitioner and they are seriously threatening the safety and security of the family of the petitioner.

13. The S.H.O., Lalganj police station is directed to keep vigil over the conduct of the relatives of Kajal Kumari who happened to be co-villagers of the petitioner and in case any wrong is found on their part, appropriate action in accordance with law be taken after due verification.

14. This writ application is allowed.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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