

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1387 of 2026

Arising Out of PS. Case No.-306 Year-2026 Thana- GHOSI District- Jehanabad

Rakesh Kumar S/o Ram Naresh Singh R/o Village- Raksa, P.S.- Ekangarsarai,
Dist- Nalanda, Bihar- 801301.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Distt.- Jehanabad
4. The Officer-in-Charge, P.S.- Ghoshi, Distt.- Jehanabad
5. Rakhi Kumari D/o Rakesh Kumar R/o Village- Raksa, P.S.- Ekangarsarai,
Dist.- Nalanda (Bihar).
6. Shubham Kumar S/o Ranjeet Thakur R/o Village- Raksa, P.S.- Ekangarsarai,
Dist.- Nalanda (Bihar) 801301
7. Deepak Kumar @ Abhay Kumar S/o Ajit Kumar @ Ajit Thakur R/o Village-
Raksa, P.S.- Ekangarsarai, Dist.- Nalanda (Bihar) 801301
8. Suraj Kumar @ Dharmaraj Kumar S/o Anandi Thakur R/o Village- Raksa,
P.S.- Ekangarsarai, Dist.- Nalanda (Bihar) 801301.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Mayank Shekhar, Advocate Mr. Shivam Gupta Raj, Advocate
For the State	:	Mr. S. D. Sanjay, A.G. Mr. Shashwat Agarwal, AC to A.G.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 24-07-2026 Heard learned counsel for the petitioner and learned

Advocate General assisted by Mr. Shashwat Agarwal, learned

AC to AG for the State

2. By filing this writ application, the petitioner has

prayed for issuance of a writ in the nature of *Habeas Corpus*

commanding the respondent authorities to trace, secure and



produce the detenue (Respondent No. 5) before this Court.

3. In the writ application, it is stated that the detenue has been kept under illegal confinement and unlawful restraint of the Respondent Nos. 6, 7 & 8 since 16.06.2026. The petitioner is the father of the detenue-victim girl aged about 16 years.

4. On hearing learned counsel for the petitioner and learned AG for the State on 09.07.2026, this Court passed following order:-

“It is the case of the petitioner that his minor daughter has gone missing since 16.06.2026. In this regard, he has lodged one FIR being Ghoshi (Okari P.S. Case No. 306 of 2026) on 19.06.2026 but the grievance of the petitioner is that despite his all persuasions to the Police Officers in the district of Jehanabad and even to the I.G., no significance step has been taken to trace the victim girl. It is more than three weeks now.

2. Learned AG submits that he will talk to the I.G. and the Superintendent of Police, Jehanabad in this regard and will ensure that one SIT is immediately constituted to trace out the victim girl.

3. This Court expects that the SIT shall be constituted immediately within a day as the victim girl is missing for three weeks. The said SIT shall take appropriate steps at the earliest opportunity to go in search of the victim girl and produce her before this Court.



4. Let this matter be listed after two weeks, i.e., on 24.07.2026 under the same heading maintaining its position.

5. On the said date, this Court will consider the steps taken by the SIT and the result of the same.

6. Order be also communicated to the I.G. and the SP, Jehanabad.”

5. Today, a counter affidavit has been filed on behalf of the Respondent No. 2. In paragraph nos. ‘14’ and ‘15’ of the counter affidavit, it is stated that the victim girl was found from a rented house in the district of Kuchh in the state of Gujarat. The juvenile boy has been apprehended and both the victim as well as the juvenile boy are being brought to Jehanabad from Gujarat. On their arrival, the statement of the victim shall be recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita (BNSS) and other appropriate measures shall be taken.

6. Since, the victim girl has already been recovered, this Court is of the considered opinion that the writ application is required to be disposed of at this stage with a direction to the Superintendent of Police, Jehanabad to ensure that the victim girl as well as the juvenile boy both are produced before the competent court/forum, as the case may be, in accordance with law and further steps be taken to ensure that the victim girl be placed at appropriate place, keeping in mind that the parental



care is always better than the institutional care.

7. Learned counsel for the petitioner submits that the apprehended boy is not a juvenile.

8. This Court is not going into this issue on merit. We are of the view that the issue of juvenility is not to be discussed before this Court as it is a matter of fact which may be decided before the competent forum only after following the procedures established by law.

9. The Superintendent of Police, Jehanabad shall ensure that fair and proper investigation takes place in the matter by the I.O. and he will keep on supervising the case himself. In case, the family of the victim girl needs any protection, the same will be provided on proper assessment of threat perception.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sunil Dutta Mishra, J)

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