

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3308 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- BHAGWANPUR HAT District- Siwan

Lalita Devi, W/O Shatrudhan Ray R/O Vill- Hilsar, Tola, P.S- Bhagwanpur Hat, Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna. Patna
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Saran Division, Chapra.
4. The Superintendent of Police, Siwan.
5. The Deputy Superintendent of Police, Siwan.
6. The Officer-in-charge, Bhagwanpur Hat Police Station, District Siwan. Bihar
7. Guddu Kumar Son of Hareram Rai Resident of Village-Hilsar Tola, P.S.- Bhagwanpur Hat, District-Siwan.
8. Sabita Devi Wife of Hareram Rai Resident of Village-Hilsar Tola, P.S.- Bhagwanpur Hat, District-Siwan.
9. Hareram Rai Son of Brahm Rai Resident of Village-Hilsar Tola, P.S.- Bhagwanpur Hat, District-Siwan.
10. Rita Devi Wife of Shambhu Rai Resident of Village-Hilsar Tola, P.S.- Bhagwanpur Hat, District-Siwan.
11. Muni Devi Wife of Jugeshwar Rai Resident of Village-Hilsar Tola, P.S.- Bhagwanpur Hat, District-Siwan.
12. Neha Kumari D/o Jugeshwar Rai Resident of Village-Hilsar Tola, P.S.- Bhagwanpur Hat, District-Siwan.
13. Surendra Rai Son of Ramayan Rai Resident of Village-Bahadurpur, P.S.- Mashrak, District-Saran.
14. Birendra Rai Son of Ramayan Rai Resident of Village- Bahadurpur, P.S.- Mashrak, District-Saran.
15. Ashok Rai Son of Ramayan Rai Resident of Village- Bahadurpur, P.S.- Mashrak, District-Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Advocate
For the Respondent/s : Mr. A.G.



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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 19-02-2026 Heard learned counsel for the parties.

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

“For issuance of an appropriate writ in the nature of habeas corpus commanding and directing the respondents Police Officer to search/recover the minor daughter of the petitioner and produce in court as the daughter of the petitioner has been kidnapped by the accused persons on 17.02.2025 and still the daughter of the petitioner is traceless.

(ii) For further direction to the respondent authorities to conduct a fair and impartial investigation, and to include all real accused including newly discovered conspirators, in connection with Bhagwanpur Hat P.S. Case No. 49/25 regarding the kidnapping of a minor girl for marriage.

(iii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law..”

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 petitioner is 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)

(Rajesh Kumar Verma, J)

Sujit/-

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