

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1184 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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1. Radhika Kuer Wife of Late Harendra Singh Resident of Village Gopi Bigha,
P.S. - Dehri, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Dehri-on-Sone.
4. The S.H.O. Dehri Town Police Station, District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Respondent/s : Md. Raisul Haque, SC-10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for quashing the order dated 28.04.2017 passed in Dehri (T) P.S. Case No.251 of 2015 by the Sub-Divisional Judicial Magistrate, Dehri, Rohtas, contained in Annexure-6, whereby the learned Magistrate has refused to release the crusher machines in favour of the petitioner on the ground that investigation of the case is still pending.

3. Submission of the learned counsel for the petitioner is that there is no dispute that husband of the petitioner was owner of both the aforesaid crusher machines and after his death the petitioner is owner of the same. The same were installed in the storage place of stones for which license was already there to Nagendra Singh, the full brother of the husband of the petitioner, vide Annexure-3 and the



license was still operative. He further submits that investigation has already been completed and charge sheet has already been submitted. However, on frivolous ground the crusher machines have not been released. Further contention is that no purpose is going to be served to cause damage to the crusher machines and continued seizure would amount pre-trial punishment.

4. After hearing the parties and considering the aforesaid facts, let both the crusher machines be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.100,000/- (one Lac) for each crusher machine, not in the form of cash/Bank Guarantee, along with two sureties of the like amount to the satisfaction of the learned Court-below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said machines without permission of the authority concerned.

5. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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