

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1125 of 2016

=====

1. Lakshmi Prasad Singh @ Lakshmi Prasad Sharma S/o Late Babulal Singh
2. Smt. Bauwabati Devi @ Baiwati Devi W/o Lakshmi Prasad Singh
3. Mukesh Singh son of Lakshmi Prasad Singh
All are resident of Village- Pandarak, Police Station- Pandara, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna.
2. The Senior Superintendent of Police, Patna.
3. The Superintendent of Police, Rural, Patna.
4. The Deputy Superintendent of Police, Rural, Patna.
5. The Officer-in-Charge, Pandarak Police Station, Patna.
6. The Officer-in-Charge, Barh Police Station, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Respondent/s : Mr. Kumar Vikram, AC to GA-4

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-08-2018 In view of the statements made in paragraph 13 of the writ application, it appears to this Court that the writ application was filed under an apprehension that after pasting the notice dated 06.05.2016 against the absconding accused Bhola Singh, in place of the property of Bhola Singh, the property/house of these petitioners shall be attached in Barh P.S. Case No.229 of 2014.

In the counter affidavit, the apprehension of the petitioners has been denied saying that “..... it is incorrect to state that the said Bhola Singh is separate from his father, mother



and brother.” and it has further been stated that the notice in question issued under Section 82 of the Cr.P.C. was pasted on the house of the F.I.R. named accused Bhola Singh which is evident from the cause title of the notice itself.

In the nature of the controversy, this Court is of the considered opinion that it is for the petitioners to satisfy the court below where the criminal case is pending that they have partitioned the property by metes and bounds and have no connection with the property of Bhola Kumar @ Bhola Singh. Such contention will be a matter of enquiry and only thereupon the court below can take a view. This Court sitting in its writ jurisdiction cannot take upon such exercise.

Learned counsel for the State and the petitioner are present.

Taking note of the aforesaid pleadings available on the record, this writ application is being disposed off with an observation that in case the petitioners have any apprehension as claimed in the writ application they may approach the court below in an appropriate application.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

