

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1793 of 2018

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Batasa Devi @ Shila Devi @ Shila W/o Jagdish
Bishwakarma, R/o Mohalla- Padam nagar, P.S.- Bettiah
Town, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary,
Home Department, Government of Bihar, Patna.
2. The Superintendent of Police, West Champaran at
Bettiah.
3. The Deputy Superintendent of Police (Headquarter),
Bettiah District- West Champarn at Bettiah. null null
4. The Station Head Officer, Bettiah Town P.S., District-
West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the State : Mr. Dr. Mankeshwar Tiwari, AC to
AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 31-07-2018 The petitioner, who is mother-in-law of the deceased,

has sought release of the house in question which was

seized/sealed in connection with the aforesaid case because

of non-appearance of the petitioner and other accused

persons pursuant to the process initiated under Sections 82

and 83 of the Code of Criminal Procedure.

After the petitioner surrendered before the Court

below in the aforesaid case, a prayer was made for de-

sealing of the property in question as it was the exclusive

property of the petitioner. The Court below has refused to



direct for removal of seal of the house in question on the ground that no document or evidence has been put forth by the petitioner in support of her contention that the property is exclusively owned by her.

The learned counsel for the petitioner has submitted that the entire document with respect to the possession/right over the house is kept in the same house which has been sealed. It is precisely for this reason that the document in support of the contention of the petitioner that she is the exclusive owner of the house has not been furnished by her before the Court below.

Without getting into the correctness of the aforesaid assertion of the petitioner, the learned Court below is directed to make arrangements for de-sealing of the house in question provisionally for a period of one week, within which time, the documents with respect to the ownership of the property would be furnished before the Court below.

If the petitioner is found to be the exclusive owner of the property in question, the Court below shall consider passing an order for releasing/de-sealing of the aforesaid house as the petitioner has already surrendered to the process of law. While ordering for such provisional de-sealing of the house for a week, the petitioner shall be asked by the Court below to furnish an undertaking that none of the



articles kept in the house except the title document of the house in question shall be removed, without the permission of the Court.

With the aforesaid direction and observation, the present petition is disposed of.

(Ashutosh Kumar, J)

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