

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1633 of 2018

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Shashi Bhushan Singh S/o Late Ram Narayan Singh, R/o Vill. & P.O. -
Olapur (Gangour), P.S.- Gangour, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Collector , Khagaria.
4. The Superintendent of Police, Khagaria.
5. The Deputy Superintendent of Police, Head Quarter, Khagaria.
6. The Officer In Charge of Gangour P.S., Gangour, Khagaria.
7. Ashok Kumar Singh S/o Late Ram Narayan Singh, Proprietor of Zim Hotel , In Front of Private Bus Stand, Madhubani.
8. Vijay Kumar Singh S/o Late Ram Narayan Singh, Proprietor of Kozi Hotel, In Front of Private Bus Stand, Madhubani.
9. Upendra Kumar Singh (Retired I.P.S.) S/o Late Ram Sagar Prasad Singh @ Sagar Singh,
10. Arbind Kumar Singh S/o Late Ram Sagar Prasad Singh @ Sagar Singh,
11. Birendra Kumar Singh S/o Late Ram Sagar Prasad Singh @ Sagar Singh,
12. Vikrant Kumar Singh S/o Late Ram Sagar Prasad Singh @ Sagar Singh, Respondent No. 9 to 12 are R/o Vill. and P.O. Olapur (Gangour), P.S.- Gangour, District- Khagaria.
13. Rabindra Kumar Singh S/o Late Ram Sagar Prasad Singh @ Sagar Singh, Advocate Civil Court, Saharsa, Permanent Address- R/o Vill. and P.O. Olapur, P.S.- Gangour, District- Khagaria.
14. Saket Kumar Singh S/o Late Ram Sagar Prasad Singh @ Sagar Singh, At Present -Director , St. Josef School, Refugee Colony, Saharsa, Permanent Address- Vill. and P.O. Olapur, P.S.- Gangour, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjai Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2018

The petitioner in the present case is seeking a direction to the respondents to recover the seized property from the respondent nos. 7 and 8 and release the same in favour of the



petitioner.

Learned counsel for the petitioner submits that the articles which are shown in Annexure 1 to the writ application were seized by the then Sub-Inspector of Police of Gangour O.P on 07.02.1993 at the instance of the present petitioner because the allegation of the petitioner was that his father in collusion with the youngest son was going away with the said articles. The petitioner was claiming his share in the articles and, therefore, on his complaint while initiating proceeding under Section 107 of the Cr.P.C the police seized those articles and handed over to the private respondents as a custodian of the articles.

Learned counsel for the State submits that in the nature of allegations and then the reliefs which are being prayed for by the petitioner at this stage, this Court seeking in its extraordinary writ jurisdiction cannot decide on the disputes as to whether those articles are still lying in the hands of the private respondents or the same has been already released or handed over during past 25 years at any stage.

To this Court, it appears that the petitioner has now awoken from a deep slumber after a long lapse of about 25 years. The materials which are available on record indicates that for the first time in the year 2017 he started looking for those materials



which were seized vide Annexure '1' to the writ application at his instance. The information required by the petitioner through the Public Information Officer could not be provided because no such information was available in the police station. The petitioner moved up to the State Information Commission seeking such information but the response which was received by the State Information Commission indicates that in the police station there was no record of such seizure.

This Court having gone through the materials available on the record is unable to issue any writ of mandamus. In the given facts and circumstances, whereunder, the petitioner is moving for release of articles which were allegedly seized at his instance after a period of 25 years.

The petitioner may seek his remedy if so advised before any Court or forum in accordance with law.

This writ application has no merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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