

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.351 of 2021

Arising Out of PS. Case No.-139 Year-2014 Thana- KATIHAR MUFFASIL District- Katihar
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KAKULI SAHA D/o Late Anil Kumar Saha Resident of Village-Simra
Bagan, Hirdayaganj, P.S.-Hirdayaganj, Katihar Court, District-Katihar
(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Home, Sardar Patel Bhawan, Patna-800023.
2. Director General of Police, Jawahar Lal Nehru Marg, Rajbansi Nagar, Patna, Bihar.
3. Superintendent of Police, Katihar.
4. Officer-in-Charge of Katihar, Muffasil Police Station, Katihar.
5. Asim Majumdar S/o Dhanman Majumdar Resident of Pati Coloney, Road No.3, P.S.-Pradhan Nagar, District-Darjeeling (W.B.)
6. Sudhir Singh S/o Bhola Singh Resident of Mohalla-Durga Sthan, P.S.-Katihar (Town P.S.), District-Katihar.
7. Viprav Singh S/o Chedi Singh Resident of Mohalla-Durga Sthan, P.S.-Katihar, (Town P.S.), District-Katihar.
8. Sonu Kumar S/o Vikash Singh Resident of Village-Mirchai Bari, P.S.-Sahayak, District-Katihar.
9. Mahesh Paswan S/o Upendra Paswan Resident of Laliyahi, P.S.-Sahayak, District-Katihar.
10. Seikh Jaminnuddin S/o Nadaliuddin Resident of Village-Dilarpur, P.S.-Manihari, District-Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rohit Kumar Sharma, Adv.
For the Respondent/s	:	Md. Nasrul Huda Khan, S.C.1
		Mr. Sanjeev Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 11-01-2022 Heard learned counsel for the petitioner and learned
counsel for the respondents through video conferencing.

The petitioner has filed the instant application for a
direction to the Superintendent of Police, Katihar and Officer-



in-Charge, Muffasil Police Station, Katihar to immediately arrest and attach the property of the two accused persons namely Sonu Kumar and Mahesh Paswan against whom the learned court below has issued process under section 83 of the Cr.P.C.

Without going into the details of the case of the parties, it may be stated here that a submission was made on behalf of the petitioner that no property of the two accused persons who were absconding have been seized by the authorities. Time was granted to the petitioner to file an affidavit bringing on record the details of the property of the two accused persons.

Learned counsel for petitioner submits that an affidavit has been filed on 9.12.2021, giving details of the property of the two accused. Paragraph nos. 5 and 6 of the said affidavit is quoted herein below for ready reference:

“5. That however Mahesh Paswan has well established dwelling here and a Maruti Van and poultry form.

6. That accused Sonu Kumar has residential house and also bullet bike and well established house.”

The Court is not satisfied with the affidavit filed and in the opinion of the Court, the petitioner has no details of the property of the accused.



Having heard learned counsel for the parties, this application is disposed of with an observation that as and when the petitioner receives the details of the properties of the accused or their whereabouts, he shall be at liberty to bring the same in the knowledge of the investigating authorities and the learned court below. Further the investigating authorities shall make all efforts to trace the accused persons and carry out all orders of the learned trial court including the process issued under section 83 of the CrPC.

This application stands disposed of.

(Partha Sarthy, J)

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