

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.33 of 2022

Arising Out of PS. Case No.-74 Year-2020 Thana- MANIGACHI District- Darbhanga

SUNDARI DEVI Wife of Dilip Yadav Resident of Village-
Chakchintamanipur, P.S.- Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
2. The Senior Superintendent of Police, Darbhanga. Darbhanga.
3. The Officer-in-charge Manigachhi Police Station, Darbhanga. Darbhanga.
4. The Investigating Officer, Manigachhi, P.S. Case No. -74 of 2020, Darbhanga. Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT
Date : 25-09-2023

1. The petitioner has filed the present writ application for setting aside the order dated 17-11-2021 passed in Cr. Revision No. 33 of 2021 by A.D.J. IV, Darbhanga whereby the order dated 20.10.2021 passed in Manigachhi P.S. Case No. 74 of 2020 by learned A.C.J.M. V, Darbhanga has been upheld and the learned District Court has rejected the prayer of the petitioner for release of a sum of Rs. 3 lakh, which was seized from the house of the petitioner in connection with First Information Report bearing Manigachhi P.S. Case No. 74 of 2020 lodged under Sections 147 / 148 / 149 / 504 / 506 / 302 /



120 (B) of the Indian Penal Code and Section 27 of the Arms Act against the petitioner and other accused persons.

2. The brief facts giving rise to the present writ application is that on 22.03.2020 an F.I.R. bearing Manigachhi P.S. Case No. 74 of 2020 was lodged under Sections 147, 148, 149, 504, 506, 302, 120 (B) of the I.P.C. & Section 27 of the Arms Act against 26 accused persons including the petitioner in which it has been stated that one Kaushlendra Yadav along with large number of accused persons including the husband and father-in-law of the petitioner arrived at the house of the informant in order to kill the father of the informant Pawan Yadav, however Pawan Yadav saved his life hiding himself in a shanty [*jhopri*] but the accused persons killed the brother-in-law of the informant with the help of fire arm. During the course of investigation Police on the date of lodging of the F.I.R. seized a sum of rupees 03 lakhs and one empty 180 ml Imperial Blue liquor bottle from the roof of the house of the petitioner, her husband and father-in-law. The petitioner approached the A.C.J.M.- V, Darbhanga for release of money but her application has been dismissed on 20.01.2021 against which the petitioner filed Cr. Revision, which also got dismissed by the Revisional Court on 17-11-2021.



3. Learned counsel for the petitioner submits that petitioner is in need of money for marriage of her daughter, who has executed the agreement for sale on 15.02.2020 in favour of one Jay Kant Yadav for sale of 02 Kattha of land of Khata No. 181, Plot No. 2533 for a total consideration amount of Rs. 4,00,000/-, out of which only Rs. 50,000/- was paid as advance amount and the remaining amount was to be paid within three months. It was in that background Jay Kant Yadav paid Rs. 3,00,000/- on 22.03.2020 to the petitioner but unfortunately the same was recovered on 22.03.2020 itself by the Police i.e. on the date of occurrence.

4. I have heard learned counsel for the parties and have gone through the order passed by both the courts below. From the impugned orders it appears that during the course of investigation the statement of the witnesses were recorded in which the witnesses have said that the amount in question was given to Mahendra Yadav [father-in-law of the petitioner] by Vidyanand Yadav and Ganga Prasad Yadav for killing Pawan Yadav, who happens to be the Pramukh of the block and father of the informant. The learned Additional Sessions Judge IV, Darbhanga has mentioned the paragraph nos. of the case diary in which the witnesses have supported the prosecution case. The



defence of the petitioner that she has entered into an agreement for sale of land and has received the amount in question from one Jay Kant Yadav for sale of 02 kattha of land has not been corroborated by Jay Kant Yadav.

5. After having heard learned counsel for the petitioner and upon perusal of the materials available on record, this Court is in agreement with the findings arrived at by the Revisional Court that money is not a perishable item and in view of the materials collected during the course of investigation the handing over of the ill gotten money in favour of the petitioner is not in the interest of justice. Accordingly, I do not find any reason to interfere with the impugned order.

6. In the result, this application is dismissed.

(Anil Kumar Sinha, J)

praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-10-2023
Transmission Date	05-10-2023

