

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.543 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

1. Himanshu Kumar, son of late Durga Prasad Sinha
2. Arjun Prasad Choudhary s/o late Kuldeep Choudhary
3. Karunesh Prasad Singh s/o late Ram Nihora Singh
4. Amit Kumar s/o late Nawal Kishore Singh
5. Rakesh Kumar Bhardwaj
6. Navin Kumar both sons of late Phulena Singh
7. Roshan Kumar
8. Maruti Nandan Singh both sons of late Umesh Prasad Singh All residents of village Nayanagar, P.S. Hasanpur, District Samastipur.
9. Mahesh Prasad Singh s/o late Bateshwar Pd. Singh resident of village Kashabe, P.S. Singhaul, Dist Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Collector And District Magistrate, Begusarai
2. The District Magistrate cum Collector, Begusarai.
3. Sub Divisional Officer, Manjhaul, Dist Begusarai.
4. Deputy Collector, Land Reforms, Manjhaul, Begusarai.
5. Circle Officer, Chhaurahi, Begusarai.
6. The Officer-in-Charge, Chhaurahi, Police Station Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhupendra Nr. Sinha, Advocate Mr. Shailendra Kumar, Advocate Mr. Saket Kumar, Advocate
For the State	:	Mr. Manish Kumar, GP- 4 Mr. Deepak Kuwar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-11-2025

I. A. No. 2 of 2024

One interlocutory application bearing No. 2 of 2024
has been filed for substitution of petitioner No.2, Arjun Prasad



Choudhary on account of his death, by his following legal heirs:

(i) Girish Prasad Choudhary

(ii) Smt. Amita Kumari

(iii) Smt. Mala Kumari

(iv) Smt. Susma Kumari

(v) Smt. Gauri Devi

2. Hence, the petitioner, who has died, is substituted by the aforesaid legal heirs.

3. Office is directed to do the needful to bring this new legal heirs on record.

4. Accordingly, the I.A. No. 2 of 2024 stands allowed.

Cr. WJC No. 543 of 2018

5. Writ petitioners have approached this Court alleging that property attached by Sub-Divisional Magistrate, Manjhaul in Case No. 155(M) of 1998 under Section 145 Cr.PC is not being properly protected by the receiver appointed under Section 146(1) Cr.PC, because the property is being misused by anti social elements of the locality.

6. Heard learned counsel for the petitioners and learned GP-4 for the State as well as learned counsel for the intervenor.

7. In the alleged facts and circumstances, it is duty of



learned Sub-Divisional Magistrate to ensure that receiver who has been entrusted with the property attached under Section 146 (1) Cr.PC is properly protected. Hence, the petitioners have liberty to apprise learned Sub-Divisional Magistrate regarding non-protection of the property in question and thereafter, Sub-Divisional Magistrate is duty bound to pass appropriate order to protect the property attached by him under Section 146(1) Cr.PC.

8. Hence, the present petition is disposed of with liberty to the petitioners to file appropriate application before learned Sub-Divisional Magistrate informing about the alleged facts and circumstances regarding misuse/non-protection of the property in question and once the petitioners file such application before learned Sub-Divisional Magistrate, Sub-Divisional Magistrate is directed to pass appropriate order within one month.

(Jitendra Kumar, J.)

ravishankar/-

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