

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.538 of 2018

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

Arjun Prasad Choudhary S/o Late Kuldeep Choudhary, Resident of Village-
Nayanagar, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Collector And District Magistrate, Begusarai
2. The District Magistrate cum Collector, Begusarai.
3. The Sub Divisional Officer, Manjhaul, District- Begusarai.
4. Deputy Collector, Land Reforms, Begusarai.
5. Circle Officer, Chhaurahi, District- Begusarai.
6. The Officer-in- Charge, P.S. Chhaurahi, District 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. Ajay Kumar, AC to GP- 4

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-11-2025

I. A. No. 1 of 2024

One interlocutory application has been filed for informing that the petitioner has died and hence, he may be substituted 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. 1 of 2024 stands allowed.

Cr. WJC No. 538 of 2018

5. Writ petitioner has approached this Court alleging that property attached by Sub-Divisional Magistrate, Manjhaul in Case No. 420(M) of 1993 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 petitioner and learned AC to 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 petitioner has 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 petitioner 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 petitioner file such application before learned Sub-Divisional Magistrate, Sub-Divisional Magistrate is directed to pass appropriate order within one month.

(Jitendra Kumar, J.)

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