

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1697 of 2024

Arising Out of PS. Case No.-146 Year-2022 Thana- BHAPTIAHI District- Supaul

Kanchan Devi W/o Sitaram Mehata R/o vill - Kodhali, P.S. - Bhaptiahi, Distt.
- Supaul, Permanent Address - Simrahi, P.s. - Raghapur, Distt- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Gov. of Bihar, Patna Bihar
2. The Principal Secretary, Department of Health, Gov. of Bihar, Patna Bihar
3. The District Magistrate, Supaul Bihar
4. The Superintendent of Police, Supaul Bihar
5. The Civil Surgeon-cum-Chief Medical Officer, Supaul Bihar
6. The Officer-in-Charge, Bhaptiyahi Police Station, Distt. - Supaul Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : A.A.G 5

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-04-2025 Heard the parties.

2. The petitioner has moved the Court for the following reliefs:

“For issuance of appropriate order(s)/ direction(s)/ writ/ writs, preferably in the nature of Mandamus, commanding and directing the Respondent authority concern to unlock the house and premises of the petitioner situated at village-Kodhali, P.S.- Bhaptiahi, District-Supaul, which has illegally been seized and put a lock on the same in connection with Bhaptiyahi P.S. Case No. 146/2022 dated 09.11.2022 instituted under Sections 269/ 420/ 313/ 467/ 468/ 471/ 379/ 411/ 120(B)/34 of the Indian Penal Code and Section 41 Clinical Establishment Act, 2010, 2013 as petitioner has



no concern at all for the offences alleged in the said F.I.R. ”

3. It is not in dispute that the petitioner and her husband are facing prosecution in connection with Bhaptiyahi P.S. Case No. 146 of 2022. It is also not in dispute that the petitioner and her husband were arrested and have been granted bail in connection with the aforesaid case.

4. Mr. Mishra, learned counsel for the petitioner has given undertaking on behalf of the petitioner and her husband that if the house is de-sealed then the house shall not be used for running a nursing home and will be used only for residential purpose and the licenced medical shop shall run in the said premises.

5. Therefore, I am of the view that the house of the petitioner cannot be kept sealed permanently.

6. Learned counsel for the State, in view of the undertaking of Mr. Mishra, has no objection if the house is de-sealed.

7. In view of the aforesaid facts and also in the interest of justice, this application is allowed.

8. It is directed that the respondent authorities will de-seal the house in question within two days from the date of receipt/production of a copy of this order with an undertaking



by the petitioner as aforesaid.

(Sandeep Kumar, J)

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