

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6130 of 2022

Arising Out of PS. Case No.-9 Year-1994 Thana- VIGILANCE District- Patna

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1. MUKTESHWAR PRASAD @ MUKTESHWAR RAM SON OF LATE CHHANGALI RAM RESIDENT OF SINHA SAN, YARPUR, ROAD NO. 1, P.S. GARDANIBAGH, DISTRICT- PATNA
 2. RATI DEVI WIFE OF MUKTESHWAR PRASAD RESIDENT OF SINHA SAN, YARPUR, ROAD NO. 1, P.S. GARDANIBAGH, DISTRICT- PATNA
 3. DR. ABANESHWAR PRASAD SON OF MUKTESHWAR PRASAD THROUGH HIS POWER OF ATTORNEY HOLDER SMT. RATI DEVI, RESIDENT OF SINHA SAN, YARPUR, ROAD NO. 1, P.S. GARDANIBAGH, DISTRICT- PATNA
 4. RATNESHWAR PRASAD SINHA SON OF MUKTESHWAR PRASAD RESIDENT OF SINHA SAN, YARPUR, ROAD NO. 1, P.S. GARDANIBAGH, DISTRICT- PATNA
 5. DINESHWAR PRASAD SINHA SON OF MUKTESHWAR PRASAD RESIDENT OF SINHA SAN, YARPUR, ROAD NO. 1, P.S. GARDANIBAGH, DISTRICT- PATNA
 6. RAJESHWAR PRASAD SINHA SON OF MUKTESHWAR PRASAD RESIDENT OF SINHA SAN, YARPUR, ROAD NO. 1, P.S. GARDANIBAGH, DISTRICT- PATNA
 7. SOMESHWAR PRASAD SINHA SON OF MUKTESHWAR PRASAD RESIDENT OF SINHA SAN, YARPUR, ROAD NO. 1, P.S. GARDANIBAGH, DISTRICT- PATNA
 8. RINA SINHA WIFE OF RATNESHWAR PRASAD SINHA RESIDENT OF SINHA SAN, YARPUR, ROAD NO. 1, P.S. GARDANIBAGH, DISTRICT- PATNA

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... Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH INSPECTOR OF POLICE, VIGILANCE INVESTIGATION BUREAU, BIHAR, PATNA BIHAR
2. THE BRANCH MANAGER, BANK OF INDIA, BIRCHAND PATEL MARG, PATNA-1 BIHAR
3. THE BRANCH MANAGER, STATE OF BIKANER AND JAIPUR (NOW STATE BANK OF INDIA) R. BLOCK, PATNA-i BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha
For the Opposite Party/s : Mr.Arvind Kumar



CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

7 16-03-2026 The petitioner has filed this application for release of those articles belonging to the petitioners which were seized in connection with Vigilance P.S. Case No. 9 of 1994 but not confiscated in connection with Special Case No.68 of 1994 or Special Case No.01 of 2015.

2. The counsel for the petitioner has brought on record the supplementary affidavit giving a list of properties which were seized but not confiscated. The copy has already been served to the learned counsel for the Vigilance who has no objection to the aforesaid facts.

3. The counsel for the Vigilance was asked as to why these properties seized but not even confiscated has not been released in favour of the petitioner automatically. He states that there is no provision in the Act which could allow them to return the property. This Court is of the understanding that the moment the property is seized and not confiscated, the Vigilance Department or any other concerned authorities is not custodian of the property and it has to be returned to its rightful owner then and there. There is no requirement of any law as such for the same as it is the normal course of any investigation. Still the Court requests Mr. Arvind Kumar to ensure that such mis-



adventures do not happen in future as the property belonged to particular citizen and his right to property is violated with such action of the Vigilance Department.

4. List of the properties as detailed in supplementary affidavit para 2 which are as follows :-

i) SBI Bhagalpur Branch A/C No. 2074 (old), New A/C No.01190/014245 in the name of Mukteshwar Prasad, which was at serial no. 151 of the seizure list dated 18-06-1994 and due to order of the S.P., Vigilance dated 20-06-1994, the payment has been stopped. This account is required to be released.

(ii) The State Bank of Bikaner and Jaipur, R. Block, Patna (now State Bank of India) A/C No. 4266 in the name of Dineshwar Prasad Sinha. It was at serial no. 148 of seizure list dated 18-06-1994.

(iii) The State Bank of India, Bhagalpur A/C No. 12309 in the name of Ratneshwar Prasad Sinha, which at serial no. 152 of the seizure list.

(iv) The State Bank of Bikaner and Jaipur, R. Block, Patna (now State Bank of India), A/C No. 3011 in the joint name of Ratneshwar Prasad Sinha and late Chhangali Ram, which was at serial no. 154 of seizure list dated 18-06-1994.

(v) Bank of India, Birchand Patel Path, Patna, A/C No. 6592 in the joint name of Ratneshwar Prasad Sinha and Dineshwar Prasad Sinha, which was at serial no. 138 of the seizure list dated 18-06-1994.

(vi) Bank of India, Birchand Patel Path, Patna,



A/C No. 8806 in the name of Ratneshwar Prasad Sinha, which is at serial no. 142 of the seizure list dated 18-06-1994.

(vii) Bank of India, Birchand Patel Path, Patna, A/C No. 1728 in the name of Rajeshwar Prasad Sinha, which is at serial no. 143 of the seizure list dated 18-06-1994.

(viii) Bank of India, Birchand Patel Path, Patna, A/C No. 8183 in the name of Someshwar Prasad Sinha, which is at serial no. 140 of seizure list dated 18-06-1994.

(ix) State Bank of India, Main Branch, Gandhi Maidan, Patna, A/C No. 1201 (old), New A/C No. 10498001309 in the name of Rati Devi, which is at serial no. 146 of the seizure list dated 18-06-1994.

(x) State Bank of India, Bhagalpur, A/C No. 9215 (old), New A/C No. 01190/0156612 in the name of Rati Devi, which is at serial no. 150 of the seizure list dated 18-06-1994.

(xi) Double benefit deposit certificate No. 2883 dated 19-05-1994 of Bank of India, Birchand Patel Path, Patna, which is at serial no. 263 of the seizure list dated 18-06-1994.

(xii) Bank of India, Birchand Patel Path, Patna, A/C No. 8805 in the name of Smt. Rina Sinha, which is at serial no. 144 of the seizure list dated 18-06-1994.

(xiii) Locker No. 331 Class A in Bank of India, Birchand Patel Path, Patna in the name of Smt. Rati Devi, Ratneshwar Prasad Sinha and Someshwar Prasad Sinha along with articles kept in the said locker in terms of the inventory list dated 04-07-1994 (which is at Page 217 of



the main application). Key of the said locker is also seized by the Vigilance.

(xiv) Locker No. G 20 and its Key No. 5 of State Bank of Bikaner and Jaipur, R. Block, Patna (now SBI) in the name of Dr. Abneshwar Prasad Sinha (through his mother and Power of Attorney holder Smt. Rati Devi), Ratneshwar Prasad Sinha and Rati Devi and the articles kept therein as per the inventory list dated 04-07-1994 (which is at page 222 of the main petition).

5. As such all the properties as detailed in para 2 of the supplementary affidavit are directed to be released forthwith.

6. Accordingly, this petition is allowed with the terms indicated above.

(Ansul, J)

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