

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15132 of 2013

Arising Out of PS.Case No. -284 Year- 2009 Thana -TAJPUR District- SAMASTIPUR

=====

Navin Kumar Singh, S/O Late Umesh Kumar Singh @ Umeshwar Prasad Singh, Resident of Village and P.O.- Dudhpura, District- Samastipur.

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate

For the Opposite Party/s : Mrs. Meena Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 23-07-2015 Heard the learned counsel for the petitioner and the State.

This application has been filed for quashing the part of the order dated 29.10.2010 passed by the learned 1st Additional Sessions Judge, Samastipur in Criminal Revision No.62/2010 arising out of Tajpur (Bangara) P.S. Case No.284/2009 by which the learned court below has been pleased to release Mahindra Scorpio vehicle bearing registration no.BD-34L-4697 on executing bond of Rs.8,00,000/- with one local surety.

A few facts is necessary for the disposal of the case. One Scorpio vehicle bearing registration no.BB-42G-4697, chassis no.MAITAAZBBC32L93572, engine no. BD34L85914 was financed by Megma leasing Ltd., Kolkata to Surendra Yadav,



30 DD Mandal Ghat Road, Kolkata-76 and that Surendra Yadav became traceless with the said Scorpio vehicle. Thereafter, Megma Leasing Company Limited lodged arbitration case bearing Misc. Case No.2007/8 and in that case Lipika Nath, Advocate, Advocate was appointed a receiver for the purpose of taking over the possession of the said vehicle and the said Lipika Nath, Advocate appointed an agent as per order of the Arbitrator. Accordingly, the petitioner was appointed as an agent, who filed a petition before Bangara police station to get release the aforesaid vehicle. The concerned police station did not release the vehicle. Thereafter, the agent (petitioner) filed a petition before the learned Chief Judicial Magistrate, Samastipur to release the vehicle. The prayer was refused vide order dated 25.11.2009 passed in Tajpur (Bangra) P.S. Case No.248/2009 on the ground that investigation was pending. From the FIR, it appears that the said vehicle was seized by the police station and an FIR was lodged against the accused persons but no body had turned up for release of the said vehicle. Thereafter, Cr. Rev.No.62/2010 was filed against the order of the learned Chief Judicial Magistrate, Samastipur. Thereafter, the impugned order has been passed.

After hearing the learned counsel for both the parties and on perusal of the material on record, it appears that the learned

1st Additional Sessions Judge, Samastipur has been pleased to release the vehicle in favour of the petitioner on proper identification and verification with condition not to sell the vehicle and he will produce the same in the court whenever is required on executing bond of Rs.8,00,000/- with one local surety.

Considering the facts and circumstances of the case, I do not find any ground to interfere with the impugned order. This petition has got no merit. It is dismissed.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

U		T	
---	--	---	--