

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35463 of 2011

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Santosh Kumar S/o Baban Rawani, R/o Mohalla- Maruti
Nagar, Devasthan, P.S. Arrah Town, Distt- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Adv.

For the Opposite Party/s : Mr. Anant Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

08. 02.02.2015

The Petitioner seeks release of motor-cycle bearing registration No. BR-3B-0620, Chasis No. 02J21C08941 and Engine No. of said motor-cycle has been erased which has been refused by the Sessions Judge, Bhojpur at Arrah by order dated 14.12.2010 in Arrah Nawada P.S. Case No. 342 of 2009 as also refused by the order dated 29.01.2010 passed by the Judicial Magistrate, 1st Class, Bhojpur at Arrah.

It has been submitted that the present motorcycle was recovered from the possession of the accused, Surendra Prasad whereafter it was sought to be released by the Petitioner claiming to be the owner. The Trial Court refused to release the same because the motor-cycle's engine number was erased. This Court had remanded the matter to get motor-cycle examined by independent witnesses who have also stated the same.

The submission of the Petitioner is that till date no other claimant has appeared for release of the motor-cycle which was his and stolen by unknown thieves.

Considering such aspect of the matter, the application is allowed and the order dated 14.12.2010 passed by the Sessions Judge, Bhojpur at Arrah in Arrah Nawada P.S. Case No. 342 of 2009 as also the order dated 29.01.2010 passed by the Judicial Magistrate, 1st Class, Bhojpur at Arrah is, hereby, set aside

The Sessions Judge, Bhojpur at Arrah is directed to release the said motor-cycle in favour of the Petitioner after due verification of his documents. The Petitioner shall also give an undertaking that he will produce the motorcycle as and when required in Court.

The application stands allowed with the aforesaid observation.

(Anjana Prakash, J.)

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