

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2136 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Mithilesh Prasad Singh, Son of Late Janardan Singh, resident of village – Lodipur,
P.S. Konch, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Home Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Gaya
4. The Sub-Divisional Police Officer, Tekari, District Gaya
5. The S.H.O., Konch Police Station, District Gaya
6. The SDO-cum-Sub Divisional Public Complaint Resolution Officer, Tekari, District Gaya

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Sidhendra Narayan Singh, Advocate

For the Respondents : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 21-12-2017

Heard learned counsel for the parties.

The petitioner has approached this Court for a command to the respondents to institute FIR on the basis of written report submitted by the petitioner to Officer-in-Charge of Konch Police Station vide Annexure-2.

According to FIR 10 persons in police dress along with others came to the house of the informant and took away tractor bearing registration no. BR02F 1295 forcefully. One person disclosed



his name as Chintu, Manager, Madhya Bihar Gramin Bank, Tikari.

Respondent no. 3 has sworn affidavit stating in para 5 of the counter affidavit that, in fact, the said tractor was under hypothecation and the loan installment was not being paid. Hence, Madhya Bihar Gramin Bank, Tikari had lodged a Sanha for recovery of the tractor. In pursuance of that the tractor was taken by Madhya Bihar Gramin Bank, Tikari.

The law is well settled that so long the vehicle or property was in hypothecation, it is property of the bank. Hence, in my view, the petitioner does not deserve any relief from this Court.

Accordingly, the writ application stands dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.12.2017
Transmission Date	22.12.2017

