

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26093 of 2013

=====

Aas Mohammad S/O Late Basat Ali Resident Of Village Rohini Harjipur,
Police Station Babri, District Muzaffarnagar (Uttar Pradesh).

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.R.K.Sinha 2

For the Opposite Party/s : Mr. Ajay Kumar-1 A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

21-06-2017

Heard.

This quashing petition has been filed against the order dated 5.4.2013 passed in Cr.Revision No.166 of 2012 by Ad hoc Additional Sessions Judge, Bettiah whereby the prayer of the petitioner to reduce the surety amount for release of his vehicle was rejected.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is an accused in R.P.F. Post Raxaul Case No.3/12 dated 14.4.2012 registered under Section 3(a)R.P.(U P) Act 1966 and it is alleged that the stolen iron material of the railway loaded on the truck bearing Registration No.UP 12 T 0446 was seized by the Railway Protection Force and a case was instituted. Though no substantial progress has been made in the



trial the petitioner moved petition for release of the said truck which was rejected by the Magistrate, thereafter preferred Criminal Revision No.166 of 2012 against the rejection order and after obtaining report from police regarding ownership of the vehicle finding the petitioner as registered owner of the said truck the Ad hoc Additional District and Sessions Judge-3, West Champaran, directed for its release in his favour on the condition of depositing surety bond of Rs.20/- lacs and both the sureties have landed property of the said amount in local. It is further submitted that the said truck is an old one and lying in police custody since year 2012, for last five years moreover the petitioner's financial position is not so sound so not capable to furnish sureties of Rs.20/- lacs. Thereafter the petitioner filed a petition for modification of the said order for reducing the amount of surety bond but the same was refused.

Earlier a report was called for from the Superintendent of Police, Railway, Muzaffarpur and it is reported that the truck is lying in the open sky and may be badly damaged by passage of time.

Learned A.P.P. submits that there is no illegality in the impugned order.

Having considered rival submission I find that the order



of depositing surety bond of Rs.20/- lacs is unreasonable and excessive and on account of that the vehicle could not be released in favour of the petitioner, so, amount of sureties bond is reduced to Rs.10/- lacs. Out of the two sureties one must be a local person having landed property in the said jurisdiction.

With the aforesaid observation the revision petition is allowed.

(Arun Kumar, J)

AnilKr.Sinha

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

