

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1641 of 2018

Arising Out of PS. Case No.-6 Year-2017 Thana- HARSIDHI District- East Champaran

Md. Gaibuddin Khan, Son of Late Shah Mohammad Khan, Resident of Village- Chatiya Chintamanpur, Police Station- Malahi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Secretary Department of Home Govt. of Bihar, Patna.
2. The District Magistrate East Champaran, Motihar.
3. The Superintendent of Police, East Champaran, Motihar.
4. The S.H.O., Harsidhi, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Virendra Kuar
For the Respondent/s : Mr. Sheo Shankar Prasad (Sc-8)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 24-07-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Learned counsel for the petitioner submits that in the first information report the description of the vehicle which was used in commission of offence has been given as that of Marshal vehicle whereas the vehicle of which the petitioner is seeking release is a Bolero vehicle. It is further submitted that the vehicle was seized from his house about one month after lodging of the first information report. Learned counsel submits



that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the vehicle in question. It is further submitted that the vehicle is lying in open sky for last more than 1 and ½ years by now and further seizure of the vehicle would result in loss of total road worthiness of the vehicle.

In the facts and circumstances of the case, let the vehicle Bolero Jeep bearing Regd. No. BR05H-5154 be released on the petitioner furnishing two sureties of the instant value of the vehicle indicated in the insurance document with a further undertaking that he would produce the vehicle as and when required before the Court below and shall not dispose or encumber the same creating any kind of third party right or interest in the vehicle in question, on filing such undertakings in the court below with two sureties as stated above to the satisfaction of the court below, the court below shall release the vehicle but before that the court concerned shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and kept on record which may be used as secondary evidence in course of trial. The petitioner shall undertake not to challenge the said photograph and panchnama so prepared in



course of trial.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

avin/-

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

