

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.205 of 2018

Arising Out of PS. Case No.-20 Year-2017 Thana- VAISHALI District- Vaishali

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Manoj Kumar S/o Devendra Sah, R/o Village- Mansurpur, P.S.- Vaishali,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate.

For the Respondent/s : Ms. Sangeeta Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-03-2018 The petitioner has challenged the order dated 19.01.2018 passed by the learned Additional Sessions Judge III, Vaishali at Hajipur in Sessions Trial No. 407 of 2017, arising out of Vaishali P.S. Case No. 20 of 2017 whereby the prayer made on behalf of the petitioner for release of his motorcycle bearing Registration No. BR-06AS-2943 has been rejected on the sole ground that from the investigation reports of the case, it appeared that the motorcycle in question was used in the murder of the deceased.



On the basis of the fardbeyan of one Lakshmi Devi, Vaishali P.S. Case No. 20 of 2017 was lodged against Lalan Rai, Fulan Devi and other unknown persons for the offences under Sections 364, 302 and 120B of the Indian Penal Code. During the course of investigation, the name of the petitioner also transpired.

It has been submitted that the petitioner was later granted bail.

The petitioner has annexed along with the petition all the relevant papers regarding the ownership of the motorcycle in question. The learned Additional Sessions Judge III, Vaishali has also recorded that all valid papers were produced before him.

The fact that the vehicle was used in the commission of murder cannot be a ground for refusing to release it in favour of the petitioner who is the rightful owner of the same. The only condition which the learned court below could have imposed was that



the vehicle would not be sold by the petitioner and that it shall be produced before the trial court as and when required in connection with the trial of the aforesaid case. Not releasing the vehicle would be counter productive, as the vehicle, if would be kept in the Malkhana or in the open space of the police station, it would be exposed to the vagaries of nature and would not be of any use later. This would be for the benefit of none.

In view of the aforesaid facts, the order dated 19.01.2018 is set aside.

The court below is directed to release the vehicle in favour of the petitioner on verification of the documents and the identity of the petitioner. The petitioner would be required to furnish an undertaking that he shall produce the vehicle in question at the time of trial as and when required. He shall not dispose of the vehicle under any condition without seeking the prior approval of the trial court.



With the aforesaid observation, the petition is
disposed of.

(Ashutosh Kumar, J)

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