

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.99 of 2016

Arising Out of PS. Case No.-116 Year-2011 Thana- GIRIYAK District- Nalanda

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Amar Jyoti S/o Shrawan Kumar Vill Pachgaon, P.S. Akbarpur, Dist. Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indradeo Prasad

For the Opposite Party/s : Mr. Sanjay Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 05-09-2018

This petition has been filed by the petitioner, under Section 482 Cr.P.C., to quash the order dated 06.10.2012 passed by the S.D.J.M., Nalanda in connection with Giriak P.S.Case No. 116 of 2011 (GR No. 1937 of 2011) by which the learned Magistrate has rejected the petition dated 29.08.2012 and has refused to release the vehicle, namely, Sumo Victa No. 27A-7992 as well as the order dated 03.03.2015 passed by the learned Additional Sessions Judge-5th, Biharsharif, Nalanda affirming the order dated 06.10.2012 passed by the S.D.J.M., Nalanda at Biharsharif.

A report was called for from the learned Court below which has been received. From perusal of the report, it appears that case is pending in the learned Court below. The next date fixed in the case is on 27.9.2018.



Learned counsel for the petitioner has submitted that he is in possession of valid documents with regard to the aforesaid vehicle. The vehicle will be damaged if allowed to remain in police station. The learned Court below has mentioned in the impugned order that although petitioner has claimed to hold the valid paper with regard to the aforesaid vehicle but no any valid paper was produced in the Court below, hence, both the learned Court below(s) have rejected the prayer for release of the vehicle on the aforesaid ground.

Learned counsel for the petitioner has submitted that he will produce the valid paper at the time of hearing in the matter of releasing the vehicle in question before the Court below.

In such circumstances, both the impugned orders dated 06.10.2012 passed by the S.D.J.M., Biharsharif in connection with Giriyak P.S.Case No. 116 of 2011 and order dated 03.03.2015 passed by the learned Additional Sessions Judge-5th, Biharsharif, Nalanda are hereby set aside. The petitioner is directed to submit the valid papers with regard to ownership of the aforesaid vehicle in the court below. The Court below on being satisfied with those papers, will pass fresh order in accordance with law in terms of the provisions contained in Section 451 of the Cr. P.C.



The petitioner will submit such petition within a period of one month from the date of receipt/production of a copy of this order in the Court below. Thereafter, the learned Court below after obtaining necessary report from the police Station and also looking into the relevant paper will pass appropriate order in accordance with law in terms of the provisions contained in Section 451 Cr. P.C. within a period of three months from the date of filing of such petition by the petitioner.

This Cr. Misc. petition is allowed with the aforesaid observation/direction.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.09.2018
Transmission Date	11.09.2018

