

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2064 of 2018

Arising Out of PS. Case No.-143 Year-2017 Thana- MOUZA HIDPUR District- Bhagalpur

Publik Yadav son of Late Bharat Yadav, R/o village- Bishanpur, P.s.- Goradih,
District- Bhagalpur Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home,
Govt. Of Bihar, Patna
2. The District Magistrate, Bhagalpur
3. The Senior Superintendent of Police, Bhagalpur
4. The S.H.O., Mojahidpur, P.s.- Bhagalpur
5. The S.H.O., Babarganj outpost, Mojahidpur, Bhagalpur
6. The Marketing Officer, Urban Area, Ward No. 40 to 51, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar
For the Respondent/s : Mr. Partha Sarthy (Ga 4)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2018 The petitioner is aggrieved by order dated 10.05.2018

passed by the Collector, Bhagalpur in E.C. 6A-Case No. 109 of

2017-18.

Learned counsel for the petitioner submits that earlier
the petitioner had moved this Court in Cr.W.J.C. No. 611 of
2018 which was disposed of on 26.04.2018 directing the
Collector, Bhagalpur to provisionally release the vehicle in
question subject to certain conditions but when the petitioner
went before the Collector, Bhagalpur and submitted the surety
bond of the given amount as per order of the Writ Court, the
Collector imposed certain conditions de hors the conditions
prescribed by the Writ Court.



Learned counsel submits that now the Collector says that two sureties which are required to be given must be of the family or near relation. Further the Collector has imposed condition that the vehicle shall be released after taking signature on Panchnama in presence of five reputed persons of the society. Learned counsel further submits that the Collector, Bhagalpur has called upon the sureties to submit the attested photo copies of the land document, copy of Aadhar Card, PAN Card and Income Tax Return along with two photographs which are not prescribed in the order of this Court. It is submitted that the sureties are ready to submit the duly attested xerox copies of papers showing the valuation of the property which he possess along with copy of their Aadhar Card but thereafter, the requirement of submission of the copy of PAN Card and Income Tax Return are not required to be imposed.

Learned counsel for the State is present.

In the given facts and circumstances of the case, this Court agrees with the submissions of the learned counsel for the petitioner. The Collector, Bhagalpur seems to have over reached the order of this Court by imposing certain conditions which are not prescribed in the order dated 26.04.2018. The impugned order dated 10.05.2018 is set aside. The Collector, Bhagalpur is



directed to accept the surety bond and follow other conditions prescribed in the order of the Writ Court without imposing other and further conditions as have been pointed by the learned counsel for the petitioner hereinabove.

The conditions imposed by the Collector, Bhagalpur are not required to be complied with. The vehicle shall be released on the petitioner fulfilling the conditions as per order of Writ Court. It is not the requirement of law that the sureties must be of a family member of the petitioner or near relation. Similarly the Panchnama is not required to be prepared in presence of 5 reputed persons of the society. The condition to submit copy of PAN Card and Income Tax Return by the sureties are also not required to be there. The Collector, Bhagalpur is directed to release the vehicle forthwith after being satisfied that the petitioner has complied with the order of the Writ Court.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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