

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.775 of 2016

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Satya Narayan Thakur, Son of late Ramanand Thakur, resident of
village - Chainpura, P.S. - Pupri, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Naresh Sharma, Son of Gagandeo Sharma, resident of village -
Bhetuha, P.S. - Nanpura, District - Sitamarhi.
3. Sarai Equipment Finance Limited, through its Branch Manager,
3rd Floor, Aporvaradha Complex, Boring Road, Patna - 800001.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Suresh Roy, Sr. Adv.

Mr. A.K. Roy, Adv.

For the State : Mrs. Rita Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 03-01-2018

The petitioner is aggrieved by an order, dated
24.06.2016, passed by the learned Sub-Divisional Judicial
Magistrate, Pupari, Sitamarhi, in Miscellaneous Case No. 01
of 2015, whereby, a J.C.B. vehicle, bearing registration No.
BR 01 GD 4447, has been directed to be released in favour of
opposite party No. 2, upon depositing bond of Rs.
20,00,000/- each by the petitioner and the financier, Shreya



Equipment Finance Pvt. Ltd. and indemnity bond to be presented by Naresh Sharma, opposite party No. 2.

2. It is the petitioner's case that it is he, who had invested the substantial amount for purchase of the J.C.B. machine, though it was purchased in the name of his nephew, Naresh Sharma, opposite party No. 2.

3. Upon considering the materials on record and submissions advanced by learned Senior Counsel, appearing on behalf of the petitioner, it appears that there is dispute between the petitioner, on the one hand, and O.P. No. 2, on the other, in respect of the said J.C.B. machine.

4. Learned Senior Counsel, appearing on behalf of the petitioner, has submitted that the J.C.B. machine ought to have been released in his favour, the petitioner having invested the maximum amount for purchase of the said vehicle, though this is not in dispute that opposite party No. 2 is the registered owner.

5. It appears from the impugned order that after having considered the rival contentions made on behalf of the petitioner and opposite party No. 2 as well as other materials on record, the learned court below considered it appropriate to direct for release of the said J.C.B. machine on the condition that a bond of Rs. 20,00,000/- for its release is deposited by the petitioner also. Because the bonds have not



been furnished, the vehide, in question, has naturally not been released in favour of opposite party No. 2.

6. This dispute appears to be of civil in nature between the petitioner and the opposite party No. 2, which the petitioner can raise before an appropriate forum in accordance with law including by way of filing suit. The impugned order does not require interference in the present proceeding.

7. This application has, however, disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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