

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54642 of 2018

Arising Out of PS.Case No. -80 Year- 2017 Thana -KHAJAULI District- MADHUBANI

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Kishan Raj Singh @ Kanhaiya Singh, son of Late Yogendra Singh, resident
of village – Narar, Than Tol, P.S. – Kaluahi, District – Madhubani.

.... Petitioner

Versus

1. The State of Bihar, Through The Home Secretary, Government of Bihar,
Patna.
2. The Home Secretary, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Police, District – Madhubani.
5. The Deputy Superintendent of Police, Jaynagar, District – Madhubani.
6. The Station House Officer (SHO), P.S. – Khajauli, District –
Madhubani.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh

For the Opposite Party/s : Mr. M. Nasrul Huda Khan

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 04-10-2018

The petitioner has challenged the order dated 10.07.2018 passed by learned A.C.J.M. – III, Madhubani by which the learned A.C.J.M. – III, Madhubani has refused to release the vehicle in question in favour of the petitioner on the ground that the insurance period of the vehicle has expired and the petitioner has not produced the driving license.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle in question which was picked up by police from the house of the petitioner. In this regard the petitioner is ready and willing to produce the original document of ownership and registration of the vehicle in his name. In fact, he has brought on record certain documents which are form of certificate of registration in terms of Rule 48 of the Bihar Motor Vehicles Rules. He has also place on record the invoice of the vehicle which is in his name.



In the given facts and circumstances, this court is of the considered opinion that the order dated 10.07.2018 refusing release of the vehicle in favour of the petitioner passed by learned A.C.J.M. – III, Madhubani is not correct, and is accordingly set aside.

The petitioner is directed to produce the documents of ownership and registration of the vehicle in question, the copy of invoice and the previous insurance certificate in the court below. On submission of such document, the court below shall direct release of the vehicle on the petitioner furnishing two sureties to the extent of the value of the vehicle indicated in the last insurance document. The court below shall thereupon issue release order within two days.

With the aforesaid direction, this application stands disposed off.

(Rajeev Ranjan Prasad, J)

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