

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2403 of 2018

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Ramji Yadav @ Ramjee Yadav, Son of Gudri Yadav, Resident of Village-
Gulab Bagh @ Chouhan Tola, P.S.- Sadar, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Purnea.
3. The Superintendent of Police, Purnea.
4. The S.H.O. Sadar Police Station, Purnea.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Respondent/s : Mr. Partha Sarthi (GA-4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 10-10-2018 This writ application has been filed for release of the

vehicle (Truck) bearing Registration No. BR 11 A 4128 in

connection with Sadar P.S. Case No. 365/2018 dated 03.07.2018

registered under Sections 279 and 304 (A) of the Indian Penal

Code.

It appears that the learned Chief Judicial Magistrate,

Purnea has considered the prayer for release of the vehicle but in

view of the judgment of the Hon'ble Apex court, a portion of

which has been taken note of in the impugned order, the learned

C.J.M. has been pleased to dismiss the application .

The writ application has been preferred before this Court

on the grounds inter-alia that the vehicle in question was not



covered under an Insurance Policy. Learned counsel for the petitioner is not present in Court, but, on perusal of Annexure 5 which is the policy document enclosed with the writ application, it appears that the owner of the vehicle has got this vehicle insured on the same date i.e., on 03.07.2018 at 16:09 hours when the vehicle had already met with an accident in the morning itself at 11 AM.

Learned counsel for the State is present.

The copy of the written complaint giving rise to the police case shows that the occurrence had taken place in the morning hour.

This Court, therefore, finds from the materials available on the record that at the time of accident the vehicle was not insured and if this is the position appearing from the records filed by the petitioner itself, there is no reason to interfere with the impugned order passed by the learned Chief Judicial Magistrate, Purnea.

This application has no merit, it is accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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