

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.922 of 2016

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Sone Lal Yadav Son of Bhumi Yadav Resident of village-
Ganeshpur, P.S.- Kharik, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shally Kumari
For the Respondent/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-05-2018 The petitioner is aggrieved by the order dated 02.06.2015 passed by the learned Additional Sessions Judge, 3rd, Purnea in Sessions Case No. 272 of 2015 (CIS-Sessions Case No. 221 of 2015, arising out of Dhamdaha P.S. Case No. 259 of 2014 whereby the prayer made on behalf of the petitioner for release of the Hero Honda motorcycle bearing Registration No. BR-10Q-7424 has been refused on the ground that in the seizure list, another registration number has been mentioned.

The vehicle in question viz. motorcycle referred to above was seized in connection with Dhamdaha P.S. Case No. 259 of 2014 dated 07.10.2014 which was instituted for the offences under Sections 302, 201, 34 of the Indian Penal Code.



The aforesaid motorcycle is stated to have been used for abducting one Nikku Kumar Yadav, who later was found dead. The son of the petitioner was driving the aforesaid vehicle on the date of the occurrence who has been released on bail.

From the perusal of the order impugned, it appears that the name plate which was affixed with the vehicle does not tally with the registration number of the vehicle.

Mr. Siya Ram Sahi, learned counsel for the petitioner, however has submitted that the engine number and the chassis number are the same and there is no dispute with respect to the same. Even the registration number is same but for one figure which perhaps has been wrongly written in the seizure list. There is no other report with respect to any other person being the owner of the vehicle. This was the only vehicle which was seized in connection with Dhamdaha P.S. Case No. 259 of 2014.

Mr. Sahi, therefore, submits that the reason for rejecting the prayer of the petitioner for the release of the vehicle is only on the ground of there being difference in the registration number on vehicle and the one which has been noted down in the seizure list.

Sections 452 and 457 of the Code of Criminal Procedure provide for release of the vehicle during the



pendency of the case/trial. No useful purpose would be served in keeping the vehicle under open sky in the police station as it will loose its usability with the passage of time. It would only be fair that the vehide be released in favour of the registered owner, if the petitioner happens to be one, subject to the condition that the vehicle in question will not be sold during the period till the trial continues and an undertaking be obtained from the petitioner/owner that he shall produce the same before the Court as and when required.

Considering the aforesaid facts, it is ordered accordingly.

The learned Court below is directed to release the vehicle i.e. Hero Honda motorcycle bearing Registration No. BR-10Q-7424 in favour of the petitioner after being satisfied that he is the owner of the same. The necessary satisfaction of the Court below shall be arrived at after enquiry from the Transport Department that the vehicle is the same which has been registered in the name of the petitioner. Such an exercise would be necessary in view of the different number over the number plate affixed with the vehicle from the one which has been provided in the registration certificate as noted in the seizure list.

If the Court below is satisfied that the vehicle be



released in favour of the petitioner, an undertaking would be obtained from the petitioner about not selling the same till the disposal of the case and that the petitioner shall produce the same for investigation/trial of the case, as and when required.

With the aforesaid observations/directions, the petition is disposed of.

(Ashutosh Kumar, J)

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