

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76802 of 2018

Arising Out of PS. Case No.-112 Year-2018 Thana- DAGARUA District- Purnia

Rajiv Kumar Singh Son of Indradev Singh Resident of Village-Fulpur
Murajpur, Police Station -Dagarua, Distt.-Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-07-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner is the owner of the vehicle which met with an accident leading to the death of a person. A F.I.R. was registered *vide* Dagarwa P. S. Case No. 112 of 2018 dated 14.06.2018 under Sections 279 and 304(A) of the Indian Penal Code.

The prayer for release of the vehicle was rejected by the learned A.C.J.M. -II, Purnea on 16.07.2018 on the ground that the vehicle is not insured and, therefore, the next kith and kin of the deceased would have to be paid compensation, the responsibility for which would be of the



owner of the vehicle. On this logic, the vehicle has been refused to be released in his favour.

Learned counsel for the petitioner has submitted that the valuation of the vehicle is Rs. 2 lakhs. The petitioner is ready to furnish a bank guarantee of Rs. 2 lakhs as surety for the vehicle.

Considering this statement of the petitioner, this Court deems it appropriate to direct for release of the vehicle taking into account that leaving the vehicle in court / police station premises would only lead to deterioration of the vehicle, which would be for the benefit of none.

Considering this aspect of the matter, the vehicle in question is directed to be released in favour of the petitioner on the satisfaction of the learned Additional Chief Judicial Magistrate – II, Purnea about the ownership of the vehicle being that of the petitioner. The petitioner shall be insisted upon for furnishing a bank guarantee of Rs. 2 lakhs and an undertaking that the vehicle shall be brought to the court below as and when required during the trial for the disposal of the aforesaid case.



With the aforesaid direction the petition stands
allowed.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

