

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11108 of 2020**

Arising Out of PS. Case No.-412 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Rajiv Ranjan Patel @ Sipu Patel, Son of Vijay Kumar Ray, Resident of
Village - Bhaluni, P.S.- Kargahar, District - Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Advocate Mr. Abhinay Raj, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

2 20-02-2020 Heard Mr. Devendra Kumar Sinha, learned Senior
Counsel appearing on behalf of the petitioner and the learned
counsel appearing on behalf of the State.

The petitioner seeks a direction for release of the
vehicle, Mahindra Bolero, bearing Registration No. JH10S 9835,
Engine No. GA94C45527 and Chassis
No. MA1PS2GAK92D83373, in his favour and also for
quashing/setting aside the order dated 05.12.2019 passed in
S.Tr. No. 308/18, arising out of Sasaram (Town) P.S. Case
No. 412 of 2018, instituted for the offence punishable under
Sections 395, 397, 412 of the Indian Penal Code, by the Fast
Track Court No. 1, Rohtas, Sasaram, dismissing the application
for release of vehicle in question.



Learned counsel for the petitioner submits that the vehicle in question was seized from the house of the petitioner though none of the items alleged to have been looted were recovered from the house of the petitioner or from the vehicle in question. It is further submitted that during the course of investigation of Sasaram (Town) P.S. Case No.412 of 2018 (S.Tr. No.308/18), the police arrested one Sivendra Dube and on the basis of his confessional statement, it transpired that he had taken the name of the present petitioner. It is only on the basis of said statement of Sivendra Dube, that the police authorities arrested several persons, including the petitioner and seized whatever was in their name, including the vehicles, alleging the same to have been bought out of the looted money. It is further submitted by the learned counsel for the petitioner that it is merely on the presumption on the part of the prosecution that the petitioner has bought the vehicle in question out of the looted property and save and except such presumption, there is no other material on record to indicate that the vehicle in question was purchased out of the sale proceeds of the property so looted.

Learned counsel for the petitioner further submits that the petitioner is willing and ready to produce all papers



regarding the vehicle and the money receipt by which he had purchased the vehicle in question and also offer securities which are in tune with the value of the vehicle. He further submits that as and when required, the petitioner shall produce the vehicle.

Considering the aforementioned facts and circumstances and that save and except the presumption, there is no other material on record to indicate that the vehicle in question was in any way involved in the loot as has been alleged, it is directed that the vehicle, Mahindra Bolero, bearing Registration No.JH10S 9835, Engine No. GA94C45527 and Chassis No.MA1PS2GAK92D83373, be released in favour of the petitioner, subject to the conditions as stated hereinabove, within a period of three weeks from the date of receipt/production of a copy of this order.

In the result, the application stands allowed and the order dated 05.12.2019 is set aside.

(Anjana Mishra, J)

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