

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.719 of 2021**

Arising Out of PS. Case No.-23 Year-2020 Thana- BIHARIGANJ District- Madhepura

BIBI SHAIYARA @ BIBI SHAIYRA, Wife of Md. Tohid, Resident of Village- Lahona @ Lahuana, Ward No. 7, P.O.- Pastpar, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-07-2022 Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove all the SR defects within two weeks from today.

Prima-facie, this Court is convinced that the learned Additional District and Sessions Judge-V, Madhepura could not appreciate that by keeping the vehicle in question for an indefinite period the vehicle will lose its road worthiness and no fruitful purpose will be served. There are several judicial pronouncements on this subject and one of them the judgment of the Hon'ble Supreme Court in the case of **Sunderebhai Ambalal Desai versus State of Gujarat** reported in (2002) 10 SCC 283 in which the Hon'ble Supreme Court has laid down



the guidelines for purpose of release of the vehicles. This case would be covered by the said judgment.

In the meantime, let the motorcycle bearing Registration No. BR43M8421, Chassis No. MD 634 BE 46 J2D 40750, Engine No. BE4DJ2040394 be released in favour of the petitioner on his furnishing adequate proof of the ownership of the vehicle in his name and the document of registration with a surety of Rs. 50,000/- and an undertaking that during pendency of Session Trial No. 52 of 2021, the petitioner shall not part with the possession of the vehicle in question and shall in no case create any encumbrance thereon and shall not create any third party right or interest over the said vehicle. He will also give an undertaking that as and when required by the learned trial court he will produce the vehicle in question and in course of trial not raise any question with regard to the identity of the motorcycle in question.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

