

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15246 of 2016

Arising Out of PS. Case No.-406 Year-2005 Thana- KHAJANCHI HAT District- Purnia

1. Raj Kishore Mandal S/o Ram Prasad Mandal Resident of Village - Navtolia, Tintanga Diyara.
2. Jai Prakash Mandal @ Jai Prakash Singh S/o Ganesh Prasad Mandal Resident of Village - Navtolia, Tintanga Diyara.
3. Subodh Das S/o Late Sidheshwar Das Resident of Village - Gyani Das Tola, Tintanga Diyara.
4. Dharmdeo Kumar Mandal S/o Mastlal Mandal Resident of Village - Gyani Das Tola, Tintanga Diyara.
5. Subodh Mandal S/o late Gorelal Mandal Resident of Village - Pakra Tola, Tintanga Diyara.
6. Dablu Kumar Mandal S/o Late Kamleshwari Mandal Resident of Village - Jhalu Das Tola, Tintanga Diyara.
7. Laxman Kumar Mandal S/o Chamak Lal Mandal Resident of Village - Navtolia, Tintanga Diyara.
8. Jai Prakash Mandal @ Tuntun @ Jai Prakash Singh S/o Late Ayodhya Prasad Singh Resident of Village - Kalu Chack, Tintanga Diyara, All of PS - Gopalpur and District - Bhagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sanjay Kumar Jha, Officer In-charge, Sahayak Police Station Maranga, District - Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh
For the Opposite Party/s : Mr. R.P.S.Singh App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 13-09-2023 1. The present application has been filed for
quashing the order dated 01.04.2006 passed in GR No.



2079/2005 arising out of K Haat (Maranga), P.S. Case No. 406/2005 passed by learned C.J.M. Purnea by which cognizance has been taken under Section 414 of the I.P.C. against the petitioners.

2. Learned counsel for the petitioners submits that on the basis of self statement submitted by O/C Maranga PS on 25.11.2005, a case was lodged and registered vide K. Haat (Maranga) PS Case No. 406/05 registered under Section 414 of the I.P.C. and after lodging the F.I.R., vide K. Haat (Maranga) PS 406/05, the investigation was started and after completing the investigation, chargesheet was submitted in different manner against the apprehended accused persons.

3. Learned counsel for the petitioners further submits that after submission of charge sheet, learned C.J.M. has perused the record submitted by the I/O and prima-facie found that the case is true under Section 414 of the I.P.C. against all the accused persons.

4. Learned counsel for the petitioners further submits that from the back drop of the case, it appears that admittedly the accused persons was released on bail and produced the bona-fide paper regarding the ownership of the vehicle before the learned court below and the vehicle has been



released in favour of the father in law of the petitioner no. 2.

5. Learned counsel for the petitioners further submits that the Court below has carefully examined all the documents regarding the ownership of the vehicle and found that the vehicle was never stolen and the Court below released the seized vehicle in favour of father-in-law of the petitioner no. 2 namely *Jai Prakash Mandal*.

6. Learned APP has vehemently opposed the prayer of the petitioners.

7. In the order dated 20.12.2005 passed by the C.J.M. Purnia, it has come that the vehicle is owned by one Guru Prasad Mandal who is the father in law of the petitioner no. 2 and the vehicle was not stolen and, therefore, the vehicle was released in favour of the registered owner *Guru Prasad Mandal*.

8. The police at the time of release of vehicle had submitted a report that the petitioner no. 2 along with other relatives were travelling by the said vehicle.

9. From perusal of the materials available on record, no offence is made out against the petitioner.

10. In view of the above, this application is allowed and order dated 01.04.2006 passed in GR No. 2079/2005 arising



out of K. Haat (Maranga), P.S. Case No. 406/2005 passed by
learned C.J.M. Purnea is hereby quashed in the interest of
justice.

(Sandeep Kumar, J)

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