

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48348 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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NAGINA RAY Son of Ram Ashish Ray Resident of Ward No.- 6, Village -
Kouwa Barka Gaon, P.S.- Pakdidayal, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been filed for quashing of
impugned order dated 22.07.2021 passed by learned Addl. Chief
Judicial Magistrate-VIth, Shikarharna, East Champaran in
connection with K.Chainpur P.S. Case No. 180 of 2020 by
which learned Magistrate ordered for release of the tractor in
question to the condition that petitioner will deposit an amount
of Rs. 3 lakhs in Sub-Divisional Court, Shikarhana.

Prosecution story in short is that the accused persons,
namely, Prem Chand Sah, Abhay Sah and Bipin Rai called the
informant's husband for harvesting paddy. On the next day,
husband of the informant was found in an injured condition. The
husband of the informant was taken to the hospital and it was



found that his backbone was broken.

I have considered the submission of the parties and also perused the materials available on record including impugned order of the court below.

Considering the facts of the case and also in the interest of justice, this court directs the court below to release the tractor in question in favour of the petitioner on his furnishing security of Rs. 3,00,000/- (Rs. Three Lakhs Only) in the court below. If the petitioner furnishes the security of Rs. 3,00,000/- (Rs. Three Lakhs Only), the tractor in question shall be released in favour of the petitioner within 15 days of furnishing the security.

Accordingly, this application is allowed. The impugned order dated 22.07.2021 passed by learned Addl. Chief Judicial Magistrate-Vith, Shikarharna, East Champaran in connection with K.Chainpur P.S. Case No. 180 of 2020 is hereby quashed to the above extent.

(Sandeep Kumar, J)

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