

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1379 of 2019

Arising Out of PS. Case No.-50 Year-2018 Thana- MAHESHKHUNT District- Khagaria

Chitnarayan Yadav Son of Bhumi Yadav Resident of Village- Latauna North,
P.S.- Triveniganj, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Home Police Deptt., Govt. Of Bihar, Patna.
2. The District Magistrate, Khagaria
3. The District Transport Officer, Supaul
4. The Superintendent of Police, Khagaria.
5. The Deputy Superintendent of Police, Gogri, District- Khagaria. District- Khagaria.
6. The S.H.O. Maheskhunt Police Station, Sub- Division Gogri, District- Khagaria. District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Nikesh
For the Respondent/s : Mr.Manish Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-02-2023 This criminal writ application has been filed for quashing the order dated 24.06.2019 passed by the learned Sessions Judge, Khagaria in Criminal Revision No. 19 of 2019 whereby and whereunder he has been pleased to affirm the order dated 24.01.2019 passed by the learned Judicial Magistrate Ist Class, Khagaria in Maheshkhunt PS Case No. 50 of 2018.

It is submitted on behalf of petitioner that on the written report of the informant Manish Kumar Maheshkhunt PS Case No. 50 of 2018 was registered against unknown alleging



therein that in the night of 24.04.2018 his Bolero vehicle bearing registration no. BR10F0025, Engine No. GA84B22446, Chassis No. MA1PS2GAK82B21674 was stolen from vegetable market of Maheshkhunt. During course of investigation of the aforesaid case, on the basis of confessional statement of Chhotu @ Rahulla, the vehicle of the petitioner was seized from the house of brother-in-law Balram Yadav on 20.06.2018. It is next submitted that while rejecting the prayer for release of vehicle, no reason has been assigned by both the courts revisional court as well as the trial court. Petitioner asserts that he is the owner of the vehicle and possess all the documentary evidence of the same. He further submits that the District Transport Officer, Supaul vide letter no. 586 dated 01.11.2018 submitted a report before the Judicial Magistrate Ist Class, Khagaria in compliance of letter no. 1046 dated 26.10.2018 stating therein the details of the vehicle of petitioner along with Engine number, Chassis number and registration number vide Annexure-P/4 to this petition and as such no useful purpose would be served by keeping the vehicle standing at the police station.

However, learned AC to GP-4 submits that aforesaid seized Bolero vehicle is subject matter of Maheshkhunt PS Case No. 50 of 2018 in which chargesheet has already been



submitted. It is next submitted that its release has been refused by the trial court on the ground that the Engine number, Chassis number etc. has been re-punched and as such it is disputed question of fact as to whether the vehicle which claimed by the petitioner belongs to him or not? It is next submitted that during course of investigation on the basis of confessional statement of co-accused Chhotu @ Rahulla, it has come that Balram Yadav (brother-in-law) came to him with his Bolero vehicle bearing registration no. BR50P-0141 and thereafter he changed old engine of Bolero bearing registration no. BR50P-0141, defaced chassis number of stolen Bolero vehicle of this case and repunched number MA1XA2GFKB1E30118 and also set body of stolen vehicle of this case, painted the same with white colour and handed over to Balram Yadav. It is next submitted that the report submitted by the Sub-Inspector Maheshkhunt PS cannot be believed since the same is based upon a documentary evidence as per the record of the District Transport Officer, Supaul. It is further submitted that Investigating Officer was also issued show-cause for forwarding such a recommendation in favour of the petitioner.

Considering the aforesaid facts and circumstances and the fact that vehicle in question which is claimed to be of the



petitioner has got stolen chassis number and engine number and the court below has rightly refused the release of the vehicle in question in favour of the petitioner. I do not find any illegality or irregularity in the impugned order.

Accordingly, this criminal writ application stands dismissed.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

