

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.80 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- FULKAHA District- Araria

Sarwar Alam, Son of Md. Alam, Resident of Village- K.Hat, Purnea East,
P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna Bihar
2. The District Magistrate Cum- Collector, Araria Bihar
3. Superintendent of Police, Araria Bihar
4. The Deputy Superintendent of Police, Araria Bihar
5. Officer in Charge, Fulkaha, Araria Bihar
6. Surendra Paswan Son of Bherbar Ward No.-1, Phulkaha, District- Araria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-01-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner in the present case is seeking setting aside of the order dated 16.11.2022 passed by learned Special Judge (POCSO), Araria in Fulkaha P.S. Case No.100 of 2022 registered under Sections 363, 365, 376 and 376(DB)/34 of the Indian Penal Code, Sections 4/6 of the POCSO Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and release of the vehicle bearing Reg. No. BR11GE-0867, Engine No.TNM4H76086 and Chassis No. MAIZN2TNKM6H37969.

3. A supplementary counter affidavit has been filed on behalf of the respondent no.3. In paragraph ‘8’ of the affidavit, it has come that in course of investigation the vehicle in question was not found involved in the offence.

4. Having regard to the aforesaid stand of respondent no.3, this Court sets aside the impugned order and directs release of the vehicle in question on the submission of personal bond of the petitioner.

5. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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