

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.288 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Samastipur

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ANSHU DEVI Wife of Mukesh Sahni Resident of Village-Gunai Bashi, P.S-
Tajpur, District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General Police, Darbhanga Range, Darbhanga
3. The Deputy Inspector General of Police, Darbhanga
4. The District Magistrate, Samastipur
5. The Superintendent of Police, Samastipur
6. The then Deputy Superintendent of Police, Patori, Samastipur
7. Suman Kumar, the then Station House Officer, Mohiuddin Nagar Police
Station, District-Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar, Adv., Mr. Anshuman Dheer, Adv., Mr. Huzaifa, Adv.
For the State	:	Mr. Prabhat Ranjan, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 05-04-2024

Heard learned Advocate for the petitioner as well as
learned APP for the State.

2. Petitioner is the registered owner of a Scorpio vehicle
bearing Registration No. BR01PK0488, Chesis No.
MA1TA2TDKK2C34049 and Engine No. TDK4C79091.

3. It is alleged by the petitioner that on 12th July, 2020
she and her husband were going to Mohuddinagar market in the



District of Samastipur by the said vehicle. The vehicle was intercepted by the Police. The petitioner came to know that her husband is an accused in connection with four criminal cases under the Bihar Prohibition and Excise Act, 2016 as well as under different provisions of I.P.C. including Section 302 of the I.P.C. including Section 302 of the I.P.C. and Section 27 of the Arms Act.

4. It is also the case of the petitioner that after arresting the husband of the petitioner, the petitioner was requested to lend her Scorpio vehicle so that the husband of the petitioner might be brought to the Police Station. The petitioner lend the said vehicle to the then Station House Officer, Mohuddinagar Police Station, Samastipur namely Suman Kumar. Subsequently, however, the then Station House Officer did not return the vehicle in favour of the petitioner.

5. No case is made out and no notice has been served upon the petitioner that the said Scorpio vehicle is wanted as an alat in any of the criminal cases. The petitioner made repeated representation to the Senior Superintendent of Police, Samastipur, Deputy Superintendent of Police, Patori, the District Magistrate, Samastipur, but all such representations were not considered.

6. The father-in-law of the petitioner filed application under Right to Information Act in order to know as to why the



above mentioned Scorpio vehicle was illegally possessed by the then Station House Officer, Mohuddinagar Police Station. No reply has been given by the competent authority to the said R.T.I. application.

7. The petitioner also filed a complaint case in the court of the learned jurisdictional Chief Judicial Magistrate, but till date cognizance has not been taken by the learned Chief Judicial Magistrate.

8. Under such circumstances, the petitioner has approached this Court for release of her vehicle.

9. It is submitted by the learned Advocate for the State that he requires sometime for getting necessary instruction as to submit before this Court under what circumstances, the said vehicle was detained in the Police Station.

10. It is surprising to note that the vehicle was seized on 12th July, 2020. During last four year, the petitioner was not informed as to why the vehicle was seized. The Police and administrative authorities did not pay any heed to her representation. There is nothing on record that the said vehicle was seized as an aspect of the case.

11. Under such circumstances, I am inclined to allow the instant writ petition.



12. The respondent nos. 5, 6 and 7 are directed to return the vehicle, the specification of which has been recorded hereinbefore, within 15 days from the date of communication of this order in favour of petitioner, on her executing a bond of Rs. 50,000/- (Fifty thousand) with two sureties with further condition that the petitioner shall not change the nature, character and colour of the vehicle as well as shall not create any third party interest in respect of the said vehicle until further order.

13. The instant writ petition is thus disposed of.

(Bibek Chaudhuri, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

