

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.82 of 2021

Arising Out of PS. Case No.-274 Year-2019 Thana- PAKRIDAYAL District- East Champaran

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Rafat Khanum Wife Of Parwez Ali Khan Resident Of Chainpur, P.S.-
Marhaura, District - Saran, At Present Resident Of Village - Chorma, P.S.-
Pakridayal, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary Department Of Home,
Govt. Of Bihar, Patna.
2. The Superintendent Of Police East Champaran, Motihari.
3. The Deputy Superintendent Of Police, Pakridayal, District East Champaran.
4. The Officer In Charge Of Pakridayal Police Station, District East
Champaran.
5. The District Transport Officer, Muzaffarpur P.S. And District - Muzaffarpur
6. Sri Ram Finance Company At /P.O./P.S.- Chakiya District East Champaran,
Through Its Manger.
7. The Manger Of Sri Ram Finance Company At/ P.S.- Chakiya, District - East
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Anisur Rahman, Advocate

Md. Khalid Anwar, Advocate

For the State : Mr. M.N.H. Khan, SC-1

Mrs. Babita Kumar, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 23-09-2025 The present petition has been preferred by the

petitioner seeking direction to the Respondent Nos. 6 and 7 to

release the Truck of the petitioner bearing Registration No.

BR06G-9482, Engine No. B591803111B6299249, Chassis No.

MAT 466404B3B04033, which has been robbed of by the

employee of Respondent Nos. 6 and 7.

2. As per the petition, the background facts of this

case are that the Truck, belonging to the petitioner, was hired by



Respondent Nos. 6 and 7 and taken to Ara and on demand of fare by the driver, the employee of Respondent Nos. 6 and 7 refused to pay the same and the Truck was even not allowed by them to return and even signature of the driver was forcibly taken on several blank papers by them. The driver was even assaulted by the employee of Respondent Nos. 6 and 7 and Rs. 2,000/- was also snatched by them from driver of the petitioner.

3. It was also claimed by the employee of the Respondent Nos. 6 and 7 that there is a loan of Rs. 9 lac on the Truck and that Truck will be released only when outstanding loan is paid to the Respondent Nos. 6 and 7.

4. It is further stated by the petitioner in her petition that no loan whatsoever has been taken by her from the Respondent Nos. 6 and 7 and it is nothing but criminal act of the Respondent Nos. 6 and 7 and hence, she has even lodged one criminal case bearing Pakridayal P.S. Case No. 274 of 2019 in the District of East Champaran.

5. Heard learned counsel for the petitioner and learned S.C.-1 for the State.

6. The matter is at the stage of Admission.

7. Apparently, as per the alleged facts and circumstances, it is not a case where writ jurisdiction of this



Court could be invoked. The Respondent Nos. 6 and 7 have clearly committed offence punishable under the Penal Code and the petitioner has already initiated the prosecution against the offenders. No finance company can forcibly take away any property of the loanee without obtaining any order of Court of law.

8. In the alleged facts and circumstances, the Truck of the petitioner has been taken away by Respondent Nos. 6 and 7 in complete violation of law and this is punishable under the IPC/BNSS and the petitioner has rightly initiated prosecution against Respondent Nos. 6 and 7. As such, the petitioner is already pursuing efficacious alternative remedy and hence, the present petition is not maintainable.

9. Accordingly, the present petitioner is dismissed as not maintainable.

10. However, the petitioner is at liberty to pursue her criminal case lodged against Respondent Nos. 6 and 7. In this case itself, the vehicle may be released in favour of the petitioner by the Court as per law.

(Jitendra Kumar, J)

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