

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7292 of 2019

Arising Out of PS. Case No.-105 Year-2010 Thana- CHAINPUR District- Kaimur (Bhabua)

Nirhu Bind S/o Late Mahadev Bind R/o Village- Lakhamanpur, P.S.
Chainpur, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar Bind Yamuna Bind resident at House no.201, Dasmesh Avenue Haripura Road Sangaroor, PS and Distt.-Sangaroor (Punjab), presently residing at village-Narotapur,P.S-Bhabua,Distt.-Kaimur(Bhabua), but in release petition,O.P. No.2 stated his present address at village-Lakhamanpur,P.S-Chainpur,Distt.-Kaimur(Bhabua)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Garg, Advocate Mr. Rajesh Kumar Pathak, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the O.P. No. 02	:	Mr. Tribhuwan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 18-03-2025 Heard the learned counsel for the petitioner, learned

APP appearing for the State and the learned counsel for the O.P.

No. 02.

2. This is an application for quashing of the order dated 28.08.2018 passed by the learned Judicial Magistrate, Bhabua in T.R. No. 1332 of 2016 arising out of Chainpur P.S. Case No. 105 of 2010 by which the Court below has released the vehicle (Tractor) in favour of O.P. No. 02.

3. At the very outset, learned counsel for the O.P. No. 02 has produced the photocopy of a judgment dated 27.01.2010



passed in Title Suit No. 317 of 2007 by the Sub-Judge-II, Bhabua from which it appears that the tractor which is in dispute has not been allotted to the petitioner in the partition suit and the ownership of the tractor is of the O.P. No. 02 and considering the same, the Magistrate has released the tractor in favour of the O.P. No. 02.

4. Mr. Garg, learned counsel for the petitioner after going through the judgment passed in Title Suit No. 317 of 2007 has very fairly submitted that the ownership of the tractor has not been given to the petitioner in the partition suit.

5. Considering the aforesaid, this application is dismissed.

6. The photocopy of the judgment dated 27.01.2010 produced by the learned counsel for the O.P. No. 02 is taken on record.

(Sandeep Kumar, J)

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