

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2933 of 2025

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Arun Kumar Son of Vijay Prasad, Resident of Village- Karan, P.O. Panchpokhari, P.S. Baghaila, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
2. The Chief Manager, Reserve Bank of India at South Gandhi Maidan, Patna.
3. The Indusind Bank Limited, through its General Manager, 701, Solitaire Corporate Park, 167, Guru Hargovind Ji Mar, Andheri (East), Mumbai-400093.
4. Zonal Manager, Zonal Office, Room No. 206, 2nd Floor, Luv-Kush Tower, Exhibition Road, Patna- 800001.
5. The District Magistrate, Rohtas at Sasaram.
6. The Superintendent of Police, Rohtas at Dehri-on-Sone.
7. Indusind Bank, Branch Sasaram Near Prakash Petrol Pump, Old G.T. Road, Sasaram through its Branch Manager.
8. Branch Manager, Indusind Bank, Sasaram Near Prakash Petrol Pump, Old G.T. Road, Sasaram.
9. Neeraj Kumar, Financer, Indusind Bank, Sasaram, Near Prakash Petrol Pump, Old G.T. Road, Sasaram, District Rohtas.
10. Ravi Kumar, Agent, Indusind Bank, Branch Old G.T. Road, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subash Kumar, Adv.
For Respondent Nos.4,7&8:	:	Ms. Shubhangi Pandey, Adv.
	:	Mr. Anand Vardhan, Adv.
For the Respondent/s	:	Mr. Madanjeet Kumar, Government Pleader (20)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 07-01-2026 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

*“1. That this is an application
for issuance of appropriate writ(s)/
direction(s)/ order(s) for commanding the
respondents Indusind Bank authorities*



(Finance Company) to hand over the Honda Shine 125 C.C. motorcycle bearing registration no. BR24AC 1827 with all papers of the said vehicle and Rs. 15,000/- which were kept in the dikki of the said motor cycle with compensation.”

3. It is the case of the petitioner that the petitioner has availed refinancing of his vehicle bearing no. BR24AC 1827. That the respondent-Bank without putting the petitioner on notice has forcefully taken possession of the vehicle No. BR24AC 1827.

4. Learned counsel appearing on behalf of the petitioner submits that the respondent authority contrary to the well established norms and the guidelines issued by the Reserve Bank of India and also the various judgments of this Hon'ble Court passed in CWJC No. 3456 of 2021 with its analogous cases dated 19.05.2023 have repossessed the vehicle forcefully from the petitioner. Learned counsel further submits that the act of the respondent-Bank in repossessing the vehicle of the petitioner forcefully without putting him on notice or giving him an opportunity of repaying the loan amount is illegal, bad and an arbitrary exercise of power not vested with the respondent-Bank. Learned counsel therefore, prays this Hon'ble Court to allow the present writ petition and direct the respondent-Bank to return the vehicle No. BR24AC 1827 taken by him.

5. *Per contra*, the learned counsel appearing on



behalf of the respondent-Bank has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner has approached this Court with unclean hands and suppressed material facts. Learned counsel has stated that the petitioner has availed the re-financing of the vehicle on 01.04.2023 and thereafter has paid only part of the amount of Rs. 11,500/- i.e., vide Annexure-P/7 series dated 24.06.2023, 19.08.2023, 30.09.2023 & 04.11.2023 and thereafter, not paid any amount. Learned counsel has drawn the attention of the Court to the agreement entered between the parties 01.04.2023 and also the surrender letter issued by the petitioner himself. That the petitioner on his own accord has approached the authority and surrendered the vehicle. Learned counsel has stated that the authority has followed the procedure as contemplated under the law and have auctioned the vehicle and the third party interest have already been created. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. In reply, the learned counsel appearing on behalf of the petitioner has submitted that the respondent authority has obtained his signatures blank paper and trying to pass it on as the surrender letter. Learned counsel has submitted that though



the petitioner has filed a complaint before concerned the Superintendent of Police and also the District Magistrate, they have not taken any action.

7. Admittedly as seen from the facts of the case, the petitioner has availed the re-financing of the vehicle No. BR24AC 1827 on 01.04.2023 and thereafter, has paid an amount of approximately Rs. 11,500/- only whereas the total loan amount of re-financing was to the extent of Rs. 78,238/-.

8. A perusal of the surrender letter filed by the respondent-Bank reveals that the same is not obtained on blank paper but it is a printed copy, further it is denied by the petitioner that the signatures obtained on the said surrender letter are forged or fabricated signatures. Further, it is to be noted that in case the Bank officials have forcefully repossessed the vehicle of the petitioner, the minimum thing that is expected from any person is to lodge a police complaint but in this case the petitioner has not done so. Further, it is to be noted that in the writ petition, it is stated that the petitioner had gone to the office of the respondent-Bank and the Manager of the Bank had taken the keys on the pretext that the vehicle needs to be checked for necessary testing and the same will be returned. The question as to whether the vehicle was repossessed forcefully or



not are all disputed questions of fact which cannot be gone into in a writ petition.

9. Having regard to the above mentioned facts and circumstances, this Court does not find any merit in the present writ petition which warrants any interference by this Court. The writ petition is accordingly dismissed. However, it open to the petitioner to approach an appropriate Civil Court for recovery of his vehicle or for damages, if any.

(A. Abhishek Reddy, J)

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