

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45619 of 2016

Arising Out of PS. Case No.-25 Year-2014 Thana- GOVINDGANJ District- East Champaran

Balmiki Kumar Son of Sri Nagendra Sah, resident of Village- Champapur
Tola, Prasotipur, P.S.- Ramgarhwa, District- East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

3 17-07-2026 Learned Advocate appearing on behalf of the petitioner has vigorously argued the case challenging the order dated 21.09.2015 passed in Cr. Rev. No. 152 of 2015 by the learned 11th Additional Sessions Judge, East Champaran, Motihari, whereby he had directed the concerned Court to release the Hero Honda Motorcycle bearing Registration No. BR-22R-5906 in favour of the petitioner, if he produces the genuine and authentic document with regard to the ownership of the aforesaid motorcycle.

2. That very order whereby the release order, in fact, has been passed in favour of the petitioner, has been assailed. Besides, a prayer has also been made for release of amount of Rs. 2.5 lakhs which, as the petitioner claims, was seized by the Police at the time of registration of FIR.



3. But, the perusal of records and orders passed by learned S.D.J.M. and learned 11th Additional Sessions Judge, East Champaran, Motihari indisputably show that neither in FIR the petitioner has mentioned about the Rs. 2.5 lakhs kept in the toolbox nor has it been seized by the Police at the time of registration of FIR. When the amount has not been mentioned nor has it been seized, there is no question of passing any release order with respect to the alleged amount in favour of the petitioner because the petitioner has miserably failed to show and prove his claim with respect to the aforesaid amount kept in the toolbox of the motorcycle.

4. However, at this stage, when the Court points out to the learned counsel for the petitioner that in fact the learned 11th Additional Sessions Judge, East Champaran, Motihari has passed order in favour of the petitioner for release of the motorcycle on proper identification and verification with respect to the document regarding ownership of the same, then the learned counsel for the petitioner fairly prays for withdrawal of this application.

5. Sometimes, it happens when without knowing the consequences of the relief(s) prayed for, in undue zeal, the petitioner or his counsel seek to assail the order which, in fact,



has been passed in their favour without knowing full well the complications and implications thereof.

6. In view of the fair stand taken by the learned counsel for the petitioner, this application is allowed to be withdrawn and as such disposed off in the aforesaid terms.

(Rana Vikram Singh, J)

Smriti/
Prakash/-

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