

Court of Additional Sessions Judge I Cum SC/ST, Katihar

GR- 2731/2022

Arising out of Mansahi PS- 61/2022

State of Bihar Versus Krishnadeo Yadav & Others

S.N	Date of order	Order with signature	Office notes as to action taken
1	2	3	4
	12-09-22	1. A petition dated 18.06.2022 for release of motorcycle filed on behalf of the accused/petitioner Krishnadeo Yadav, S/o Narayan Prasad Yadav, R/o Marangi, PS Mansahi, District Katihar, and a petition dated 08.07.2022 for release of mobile filed on behalf of the petitioner Guddu @ Khurshid Alam, S/o Sabir Alam, R/o Raghapur, PS Manihari, District Katihar are conducted today. 2. The DTO report, the report of the SHO and the documents filed on behalf of the petitioners are available on record. Heard both the sides. 3. The learned counsel on behalf of the Krishnadeo Yadav submitted that the petitioner was the owner of the motorcycle vide registration no. BR 39 AC/5429 Chasis no. MD 2B64BY9KF17312, Engine no. DHYRKF92598, but the Mansahi Police seized the motorcycle and kept it in the police campus in open place and it might be possible the said motorcycle could be damaged in rainy water. It was further submitted that the petitioner was the bonafide owner and all the papers was available with the petitioner cum owner, if the court should be required the petitioner was ready to furnish the same. The learned counsel prayed to release the said vehicle. 4. The learned counsel on behalf of the petitioner Guddu @ Khurshid Alam submitted that the petitioner was the bonafide owner of the mobile bearing registration no. 863264042610418 and 863935052647362, but the police had seized the mobile from the possession of the petitioner. The learned counsel prayed to release the said mobile. 5. Also heard the learned APP. 6. Perused the entire case record as well as the report of the concerned police station. It is clear that a motorcycle bearing registration no. BR 39AC 5429 Pulsar and a VIVO mobile set were seized in this case. The report of the ASI Mansahi, however, does describe about keeping the motorcycle and the mobile in safe custody. The concerned police officer shows no objection in releasing the said motorcycle and mobile. The DTO report also shows that the motorcycle stands registered in the name of the petitioner Krishnadeo Yadav. While the petitioner Guddu @ Khurshid Alam produced a replacement certificate which showed that it was in his name. Besides the mobile had admittedly fallen out of the possession of the accused Khurshid during the alleged scuffle. No other person came forward to lay claim over the motorcycle and the mobile. 7. In the facts and circumstances mentioned above, 1. The petition dated 18.06.2022 filed on behalf of the petitioner Krishnadeo Yadav is allowed. The said motorcycle is directed to be released in favour of the petitioner Krishnadeo Yadav on furnishing the indemnity bond of Rs. 90000/- with two sureties of like amount. The surety must be the local residents of Katihar and preferably the owner of the property of the sufficient value. Subject to the following conditions to be stipulated in the indemnity bond itself 1. That the petitioner shall not change or alter the physical feature or the colour of the vehicle, 2. That the petitioner shall not sell or dispose of the vehicle. 3. That the petitioner shall produce the vehicle before the court whenever and wherever directed. 2. The petition dated 08.07.2022 filed on behalf of the petitioner Guddu @	

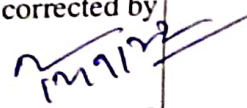
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Contd.
12.09.22

Khurshid Alam is allowed. The said mobile is directed to be released in favour of the petitioner on furnishing the indemnity bond of Rs. 35000/- with two sureties of like amount. The surety must be the local residents of Katihar and preferably the owner of the property of the sufficient value. Subject to the following conditions to be stipulated in the indemnity bond itself

1. That the petitioner shall not change or alter the physical feature or the colour of the mobile.
2. That the petitioner shall not sell or dispose of the mobile.
3. That the petitioner shall produce the mobile before the court whenever and wherever directed.

Dictated and corrected by


Neeraj Kumar II

Additional Sessions Judge I cum SC/ST
Katihar