

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No. 812 of 2014**

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1. Pradeep Kumar Singh, S/o Shri Kumud Narain Singh, Resident of  
village - Laxmipur, P.S. - Bhitaha, District - West Champaran  
..... Petitioner

Versus

1. The State of Bihar through D.G.P., Bihar  
2. Superintendent of Police Bagaha, Dist. - West Champaran  
3. Officer-in-charge Ramnagar Police Station Bagaha, West Champaran  
..... Respondents

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**Appearance :**

For the Petitioner :  
For the Respondents :

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**CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD**  
**ORAL ORDER**


5    30-04-2015

Heard.

This application has been filed for issuance of an appropriate writ/writs, order/orders, direction/directions commanding the respondents to release the motorcycle of the petitioner bearing Registration No. BR 22D 5945.

The case of the petitioner is that the aforesaid motorcycle was illegally seized by the respondent no. 3, Officer-in-Charge, Ramnagar Police Station, Bagaha, West Champaran in Ramnagar P.S. Case No. 85 of 2013.

Learned counsel for the petitioner submits that the seized motorcycle was ordered to be released by the Additional Chief Judicial Magistrate, Bagaha by order dated 13.08.2013. He further submits that on 23.08.2013 the petitioner furnished the required bail bond which was accepted by the Additional Chief



Judicial Magistrate, Bagaha and the release order of the motorcycle was then issued and was received by the Officer-in-Charge on 03.10.2013. He further submits that it is unfortunate that in spite of receipt of the release order from the Court of the Additional Chief Judicial Magistrate, Bagaha the Officer-in-Charge, Ramnagar has not released the motorcycle, then the petitioner filed an application in the Court of Additional Chief Judicial Magistrate, Bagaha on which the Additional Chief Judicial Magistrate, Bagaha show cause to the Officer-in-Charge, Ramnagar Police Station, Bagaha but even then the motorcycle has not yet been released.

Learned counsel for the State submits that he has taken instructions and the petitioner never approached the Officer-in-Charge of Police Station for release of the motorcycle. He further submits that whenever the petitioner will approach the Officer-in-Charge of Police Station then the motorcycle of the petitioner will be released.

However, the question is not whether the motorcycle will be released or not.

Hence, having regard to the facts and circumstances of the case, the Superintendent of Police, Bagaha is directed to look into the matter and ensure release of motorcycle to

the petitioner and also make an inquiry why the order of the Additional Chief Judicial Magistrate, Bagaha has not been complied with and motorcycle was not released. Also the Additional Chief Judicial Magistrate, Bagaha is directed to look into the matter as to why the order of release of the motorcycle is not complied compelling the petitioner to move the Court to implement the order and what action taken for non-compliance of the order on the show cause issued by it. The learned Additional Chief Judicial Magistrate, Bagaha shall inquire and will pass appropriate order.

With this observation, this petition is disposed of.

**(Gopal Prasad, J.)**

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