

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27661 of 2013

Arising Out of PS.Case No. -173 Year- 2012 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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Hari Narayan Tiwari S/O Late Ram Sevak Tiwari, resident of Village-
Pawani Hasanpur, Police Station- Vaishali, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar
2. Munshi Yadav S/O Late Bindu Rai, resident of Village- Sablari, Police
Station- Rajdhanwar, District- Giridih (Jharkhand)
3. Nakul Yadav S/O Lalan Yadav, resident of Village & Police Station-
Rajdhanwar, District- Giridih, (Jharkhand)

.... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Upendra Prasad, Adv Mrs. Veena Kumari Jaiswal, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, A.P.P. Mrs. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 16-12-2016 Heard Sri Upendra Prasad, learned counsel, assisted

by Smt Veena Kumari Jaiswal, learned counsel for the petitioner,

learned Addl. Public Prosecutor and Smt.Rina Sinha, learned

counsel for the Opp.Party nos.2 and 3.

The petitioner, who is the informant in Vaishali P.S.

Case No.173/2012, has approached this Court, invoking its

inherent jurisdiction under Section 482 of the Code of Criminal

Procedure, with a prayer to quash an order dated 27.06.2012

passed by the learned Chief Judicial Magistrate, Vaishali at

Hajipur in Vaishali P.S. Case No.173/2012. By the said order, a

petition filed on behalf of Opp.Party nos.2 and 3, the learned



Magistrate has directed for release of 23 bullocks in favour of Opp.Parties.

Learned counsel for the petitioner submits that since the F.I.R. was lodged on complaint of cruelty to the animals, the learned Magistrate was not required to again deliver possession of those bullocks to the Opp.Parties and, as such, the order impugned is liable to be set aside.

However, after going through the impugned order, it is evident that the released order was passed with condition of producing indemnity bond of Rs.3,53,600/- . Further direction was also issued that Opp.Parties may not commit any cruelty with the released bullocks.

In view of fact that while passing release order in favour of Opp.Parties, stringent conditions were imposed, there is no reason to interfere with the order impugned.

The petition stands dismissed.

(Rakesh Kumar, J)

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