

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2780 of 2017

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1. Mohan Yadav, Son of Late Sahtu Yadav, Resident of Village- Sitab Siyara Bhawan Tola, P.S.- Bairiya, District- Balliya (U.P.) and also resides at Oriya Para, Chaigada, P.S.- Naupara, District- North 24 Pargana (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Animal Husbandary Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Officer Incharge, Police Station- Barachatti, District- Gaya.
5. Gau Gyan Foundation, through its one of the Member, namely, Neeru Gupta, D/o Subhash Chandra Gupta, Jauj House, Dhul Siraj, Sector-23, Dwarika, Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Respondent/s : Mr. Md. Khurshid Alam (AAG12)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

In view of the admitted fact that the she-buffaloes and calf were seized only for the reason that altogether 137 animals were being transported in six trucks without any certificate from qualified veterinary surgeon in violation of the rules, the learned ACJM, Sherghati, Gaya has refused to release the animals. It is reported that out of 137 animals two calf have already been found dead when the police seized the animals with



truck.

Learned counsel for the State referring to the order passed by the learned ACJM has submitted that these animals were transported in violation of the provisions of the rules for which a case has been registered.

Learned counsel for the petitioner submits that even at this stage he is bearing the entire cost of feeding of animals and there is no reason why the provisional release be not ordered at this stage.

I am of the considered opinion that in the facts and circumstances of the case even though the violation of the rules has been alleged and the case which was registered against the petitioner will finally culminate in accordance with law, at this stage there is no reason to keep the animals.

In the facts and circumstances, the impugned order dated 08.08.2017 passed by the learned ACJM, Sherghati, Gaya in G.R.No.1446A/2017 arising out of Barachatti P.S. Case No.440 of 2017 is hereby set aside. The court below is directed to pass an appropriate order for release of the 14 animals out of 135 as claimed by the petitioner.

Learned ACJM, Sherghati, Gaya will get himself satisfied with the documents relating to ownership of the 14



animals and whether there is any rival claimant of the animals, but in any case the entire examination of the documents and appropriate order must be passed within a period of one week from the date of receipt/production of a copy of this order.

The application stands disposed of with the observations and directions made above.

(Rajeev Ranjan Prasad, J)

Arvind/-

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