

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.164 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- TEKARI District- Gaya

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GOPAL SINGH Son of late Rajendra Prasad Resident of Village Mopati
Khutahan, P.S. Sikrahata, District Bhojpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF
POLICE, BIHAR, PATNA Bihar
2. The Inspector General of Police , Magadh Range, Gaya. Bihar
3. The Superintendent of Police, Gaya. Bihar
4. The Sub- Divisional Police officer, Tekari, Gaya. Bihar
5. The officer - Incharge, Tekari Police Station, Tekari, Gaya. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Prasad Yadav
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has filed the instant application praying
for a direction to the respondents to release the 14 wheeler truck
of the petitioner which was seized in connection with Tekari P.
S. Case No. 293 of 2021 registered under section 153 (b) of the
Indian Penal Code, section 11 (d), (e) & (f) of the Prevention of
Cruelty to Animals Act, 1960 and section 4 of Bihar
Preservation and Improvement of Animal Act, 1955.

While making his submissions on merits of the case,
learned counsel relied on the judgement of this Court dated



22.06.2020 (Annexure- 6) passed in Cr.W.J.C. No. 1598 of 2019 (Digvijay Kumar Thakur @ Guddu Jha Versus the State of Bihar & Others).

It is submitted by the learned counsel for the State that the petitioner has not moved any petition for release of the vehicle in the learned court below and has straightaway moved to this Court for the relief.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, it is directed that the petitioner will be at liberty to file a petition for release of the vehicle in question in the learned trial court where the case is pending. In case a petition is filed within a period of four weeks, the learned trial court shall decide the petition within a period of two months from the date of its filing.

The learned trial court will take into consideration the decision of this Court in the case of Digvijay Kumar Thakur (supra).

The application stands disposed off.

(Partha Sarthy, J)

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