

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.880 of 2017

In
CRIMINAL MISCELLANEOUS No.31497 of 2014

Arising Out of PS. Case No.-202 Year-2006 Thana- NAGARNAUSA District- Nalanda

Bhuneshwar Kumar @ Bhuneshwar Yadav @ Bhuneshwar Kumar, S/o
Ghamandi Yadav @ Singh, R/o Village- Bhudhu Chack, P.S.- Fatuha,
District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ashok Kumar S/o Late Parmeshwar Prasad, R/o Village- Balgha Naya Bigha,
P.O.- Mahanandpur, P.S.- Nagar Nausa, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.
For the Respondent/s : Mr. Jagdhar Prasad, App

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 04-05-2023

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The present criminal revision application has been filed for setting aside the order dated 09.06.2014 passed by the learned J. M. 1st Class Hilsa, Nalanda in Nagar Nausa P.S. Case No. 202 of 2006 (G.R. No.797 of 2006) whereby the prayer for release of she buffalo with its calf of the petitioner has been rejected. It was seized by Fatuha Police on 05.10.2006 and forwarded to Nagar Nausa Police who had given the said she buffalo with calf to the informant on *Zimenama* without proper verification of said she buffalo with calf and without order of the Court in the year 2006 and since then, the seized she buffalo with calf have been lying in the house/ custody of the informant

in illegal manner.

Counsel for the petitioner submits that the order of release of she buffalo with its calf was made in petitioner's favour but when it has not been executed, then he filed an application before the Sessions Court and the said Court has passed a reasoned order on 09.06.2014.

Counsel for the State submits that the petitioner is neither informant nor accused in this case in which the said she buffalo with its calf were directed to be released initially.

It transpires to this Court that the petitioner has no answer of this query that whether he is informant or accused in the said criminal case lodged for theft of she buffalo with calf. Basically the petitioner is a stranger who filed an application for release of she buffalo with calf in his favour and without application of mind, the Trial Court has demanded a report from the police in this regard. On the basis of which the petitioner started requesting that she buffalo with calf should be released in his favour.

This Court has gone through the order dated 09.06.2014 by which it transpires that on early occasion also, for release of she buffalo with its calf, the petitioner has filed Cr. Rev. No. 19 of 2009 before the Sessions Court which was

already been rejected on 17.11.2009. The said decision has not been challenged by the petitioner anywhere but by the present criminal revision application, the petitioner has challenged the order dated 16.05.2014 passed by the learned Judicial Magistrate- 1st Class Hilsa, Nalanda which was already a subject matter of Cr. Rev. No. 19 of 2009 and vide order dated 17.11.2009, it was rejected against the petitioner.

In this background, the Court found that there is no illegality in the said order dated 09.06.2014 and for filing frivolous petition, the petitioner is directed to pay deposit cost of Rs.2,000/- before the Patna High Court Legal Services Authority.

With this observation, the present criminal revision application stands dismissed.

(Dr. Anshuman, J.)

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CAV DATE	
Uploading Date	
Transmission Date	