

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 46510 of 2014

Arising Out of PS.Case No. -17 Year- 2014 Thana -BARHARIA District- SIWAN

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1. Prem Kumar Mishra S/o Sri Bhu De Mishra Resident of Village - Dumari Bujurg, P.S. Naya Gaon, District - Chhapra at present posted as Inspector, State SPCA, Bihar.
 2. Binod Kumar S/o Sri Rajendra Prasad Resident of Kamnagar Lane, P.S. - Khajekalan, Patna City, District Patna at present posted as Inspector, State SPCA, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan

For the Opposite Party/s : Mr. Parmanand Prasad(App)

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

3 25-05-2015

The petitioners claim to be Inspectors under the Society for Prevention of Cruelty towards Animals (for brevity, *SPCA*) under the Prevention of Cruelty to Animals Act, 1960 (for brevity, *the Act*). In exercise of their powers, they had detained certain cattle. A first information report has been lodged that they are imposters and had misappropriated the seized cattle. The learned Sessions Judge, Siwan has primarily rejected their prayer for bail in anticipation of arrest on the ground that prima facie they were found to be fake persons. However, there are various correspondences on record to show that they were duly appointed as Inspectors under the said Act by the SPCA.

Be that as it may, considering the fact that under identical situation, the petitioners have earlier got bail in anticipation of arrest in Cr Misc No 46688 of 2014 disposed of on 21.04.2015, in the event of their arrest or surrender within four weeks from today, the petitioners abovenamed shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in Barharia Police Station Case No 17 of 2014 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Navaniti Prasad Singh, J)

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