

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47866 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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1. Mohamad Ali @ Mahmud Ali S/o Maqsood Ali

2. Babbu S/o Hakimullah

All R/o village - Sirsa Kheda, P.S. Munda Pandey, District - Muradabad
(U.P.)

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 06-11-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend arrest in Dumariya Ghat
P.S. Case No. 54 of 2015 dated 06.06.2015 instituted under
Sections 414/34 of the Indian Penal Code, 11(a), (b), (c), (d), (l),
(n), (k) of the Prevention of Cruelty to Animals Act, 1960 and
46/47/48/49/50/51/96 of the Transport of Animals Rules, 1978.

The allegation against the petitioners, who are owner
and driver of the Truck on which 72 cattle were found in violation
of the provisions of Prevention of Cruelty to Animals Act

and under Sections 414/34 of the Indian Penal Code as well as the Transport of Animals Rules.

Learned counsel for the petitioners submits that they were transporting the cattle without there being any illegality as nothing has come that the said 72 cattle were stolen and further under the two Acts, the offences are bailable. It is further submitted that the petitioners have clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail. However, he is not in a position to controvert that there was only suspicion of the cattle being stolen.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran in Dumariya Ghat P.S. Case No. 54 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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