

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51978 of 2015

Arising Out of PS.Case No. -131 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

1. Naushad Gaddi son of Shambhu Gaddi
2. Dukhi Gaddi son of Sanlaha Gaddi, Both Resident of village- Singahi,
P.S. Sri Nagar Punjaha, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Bairiya P.S.Case No. 131 of 2015 registered for offences
punishable under Sections 11 (K)/11 (D)/ 11(H) of Cruelty of
Animal Act.

The prosecution case is that the informant gave written
information to the Officer-in-charge, Bairiya P.S. stating therein
that at about 2.30 A.M. in the night of alleged date of occurrence,
he woke up after hearing some sound and saw that three persons
were taking away four cows from main road Pakhnaha Bettiah to
Bettiah. He further alleged that the informant attempted to catch



the smuggler with the help of villagers in which two smugglers fled away and one boy was caught and held up. It is further alleged that when the informant made query the boy disclosed his name Bachcha Gaddi , son of Nabab Gaddi, resident of village-Singahi and the persons, who fled away were Naushad Gaddi (petitioner No. 1), son of Shambhu Gaddi and Dukhi Gaddi (petitioner No. 2), son of Sanlaha Gaddi and the said cows were being carried to be handed to the main smuggler, namely one Sheikh Tamatar.

Learned counsel for the petitioners submits that they have clean antecedents as is evident from para-3 of this petition and they have been falsely implicated due to dirty village politics. The name of the petitioners has surfaced on the confessional statement of one Bachha Gaddi, son of Nabab Gaddi, as is evident from First Information Report.

It has further been submitted that these petitioners are innocent and no incriminating articles has been found from the possession of these petitioners.

Be that as it may, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of four weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties

of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in Bairiya P.S.Case No. 131 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

However, it is made clear that if the petitioners indulge in similar nature of offences, as the present one, the learned Court below will be liberty to cancel the bail bonds of the petitioners without being prejudiced with this order.

(Nilu Agrawal, J)

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