

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51494 of 2016

Arising Out of PS.Case No. -189 Year- 2016 Thana -HASPURA District- AURANGABAD

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Juman Quraishi S/o Late Wali Mohammad @ Late Wali Md. Quraishi
resident of Village- Amjharsarif, P.S. Haspura, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
17.10.2016 in connection with Haspura P.S. Case No. 189 of 2016
registered for the offence punishable under Sections 429, 295
(A)/34 of the Indian Penal Code, Sections 4, 4(2) of Bihar
Prevention of Improvement of Animal Act, 1955, Section 38(3) of
Prevention of Cruelty to Animal Act, 1960 and Sections 43(1) (2)
(3), 48, 49 (1) (2) of the Transport of Cattle Act, 1998.

The prosecution case, as lodged by the Mobile
Veterinary Doctor of Haspura, is that a pick-up van and some
trucks loaded with beef and flesh were caught by the SHO,
Haspura and other officials. The accused persons tried to flee



away, but amongst them, petitioner was apprehended, who disclosed the name of other co-accused persons.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated only on the basis of suspicion. He further submits that the quantity of seized beef has not been mentioned in the seizure list, which makes the prosecution case doubtful. It has also been submitted that the petitioner was grazing his cows and is a person aged about 75 years and that no offence is made out against him under the aforesaid sections of the Prevention of Improvement of Animal Act and Transport of Animals Rules, 1978, as nothing has been seized from the possession of the petitioner. In fact, it has been alleged that the entire beef has been dumped in the soil and only sample has been taken for examination, which does not show the complicity of the petitioner. It is further submitted that the petitioner has no criminal history.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has no criminal history and the allegations are based on suspicion, let the petitioner, above named, be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Sidharth Pandey, learned Judicial Magistrate 1st Class, Daudnagar, District Aurangabad in connection with Haspura P.S. Case No. 189 of 2016.

(Nilu Agrawal, J.)

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