

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 22562 of 2017**

Arising Out of PS.Case No. -584 Year- 2016 Thana -KISHANGANJ District- KISHANGANJ

- =====
1. Anwar alias Md. Maksood Ansari, Son of Md. Anul Ansari, resident of Village Khagra, P.S. Kishanganj, District- Kishanganj.
  2. Sidhant alias Sidhant Ram alias Sidhant Kumar Ram, Son of Narayan Ram, Resident of village Khagra Paswan Tola, P.S. Kishanganj, District- Kishanganj.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Advocate  
For the State : Mr. Amrendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 06-07-2017**

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

2. The petitioners apprehend arrest in Kishanganj P.S.  
Case No. 584 of 2016 dated 26.12.2016 instituted under Sections  
420/414/279/34 of the Indian Penal Code and 11(d)(e)(f)(k) of the  
Prevention of Cruelty to Animal Act, 1960 and 4A of The Bihar  
Preservation and Improvement of Animals Act, 1955.

3. The allegation against the petitioners is of smuggling  
40 calves.

4. Learned counsel for the petitioners submitted that  
though 40 calves have been seized but the same were validly  
purchased and later on, upon verification it has been found by the



police themselves that the purchase was genuine and valid. Learned counsel submitted that based on the same, the driver and khalasi of the truck, from which the calves have been recovered, have been granted bail by the Court below itself. He further submitted that the allegation of smuggling is only hypothetical and without any basis or proof thereof.

5. Learned A.P.P., after going through the case diary, submitted that the allegation is of smuggling of calves. However, he is not in a position to controvert the submissions made by learned counsel for the petitioners.

6. 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, Kishanganj in Kishanganj P.S. Case No. 584 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners shall give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the undertaking shall lead to cancellation



of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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