

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35229 of 2018

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Rajesh Rathaur son of Bhanu Rathaur, resident of Mohalla- Bhawer Pokhar,
P.S.- Pirbahor, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Satyanand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Bihta P.S. Case No.288 of 2018 registered under Sections 414
read with 34 of the Indian Penal Code, Sections
11(1)(a)(d)(e)(i)(k) of the Animal Cruelty Protection Act, 1960,
Sections 47(a), 48, 52, 54(a)(b) and 55 of the Transport of
Animals Rule, 1978 and Section 3 of the Bihar Transport of
Animals Act, 1955.

It is submitted by the learned counsel for the petitioner
that even if entire allegations made in the FIR are taken to be true,
no case under Section 414 of the Indian Penal Code would be
made out as neither the vehicle nor calves being carried on it were



stolen property. The petitioner being the driver of the Pick-up Van was carrying the cattles legally, but the FIR has been instituted by the police in a high handed manner.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Danapur, Patna in connection with Bihta P.S. Case No.288 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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