

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74687 of 2018

Arising Out of PS. Case No.-63 Year-2018 Thana- MAHESHKHUNT District- Khagaria

Md. Babloo, Son of Md. Noori, Resident of Village- Itmadi, P.S.- Beldaur,
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram
For the Opposite Party/s : Mr.Smt Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 21-12-2018 Heard learned counsel for the parties.

The application for anticipatory bail arises out of Maheshkhut P.S. Case No. 63 of 2018, disclosing the offence under Section 414 of the Indian Penal Code, Sections II (I)(a) (b)(d)(e) (f) of P.C.A. Act , 1960 and sections 47, 48, 49, 52 and 54 of the Transport of Animals Rules.

It is alleged in the FIR that the accused persons were, for the purpose of smuggling, found carrying she-buffaloes in the trucks.

Learned counsel, appearing on behalf of the petitioner, has submitted that the offences under the Prevention of Cruelty to Animals Act, 1960 and Transport of Animals Rules are bailable. He submits that the offence under Section



414 of the IPC is not made out, in the absence of any allegation of theft under Section 379 of the IPC.

I find force in the submission made on behalf of the petitioner. This application is accordingly allowed. Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Shrimati Ankita Jaiswal, Judicial Magistrate, 1st Class, Khagaria in Maheshkhut P.s. Case No. 63 of 2018, subject to the conditions, as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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