

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5966 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- GUTHANI District- Siwan

Shahabuddin, aged about 50 years, Gender -Male, Son of Farooque Ahmad
Resident of Village/Mohalla – Pataila, Police Station Shahganj, District
Jaunpur (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Irshad Ahmad Khan, Advocate
For the Opposite Party : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 420, 413, 414, 429, and 120(B) of the Indian Penal Code and Section 11(A), D, E, F of the Prevention of Animal Cruelty Act, 1960 registered in connection with Guthni P.S. Case No. 216 of 2018.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion as he happens to be the owner of the container in which cattle were found. It is submitted that the ingredients of offence under Section 420 of the IPC are not made out and so also the accusation of theft under Section 414 of the IPC is not corroborated inasmuch as none has come forward to claim the theft cattle. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned



Chief Judicial Magistrate, Siwan in connection with Guthni P.S. Case No. 216 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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