

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16181 of 2019**

Arising Out of PS. Case No.-441 Year-2018 Thana- MAJHAULIA District- West Champaran

Nazir Khan @ Nazir Miyan, Son of Mosraf Khan, Resident of Village -
Ahwar Sheikh (Pathan Tola), P.S.- Majhauria, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-03-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code and under Sections 11 (1) (a), (d), (k) of the Prevention of Cruelty to Animals Act, 1960.

The prosecution case as per the written report of Chandra Kishore Tiwari, A.S.I. of Majhauria P.S. submitted to the S.H.O., Majhauria P.S. is to the effect that the informant got a secret information that some smuggler are preparing to commit smuggling of animals whereupon, a raid was laid and a white



coloured pickup van was intercepted. It is further alleged that on seeing the police party all the accused persons started fleeing away leaving the pickup van in question on the spot and from the alleged vehicle in question, two cows and eight calves were recovered, leading to registration of FIR against three named and two unknown accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is the father of co-accused Meraj Khan and maliciously both the petitioner and his son have been made accused in the present case. Admittedly, the petitioner was not present in the pickup van in question from which the seizure has been made.

It is submitted by learned APP for the State that the petitioner is named in the FIR with accusation of illegal transportation of animals.

Considering the fact that the petitioner was not apprehended from the place of seizure and there is nothing on record to suggest that the seized animals were stolen one, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned **C.J.M., West Champaran at Bettiah**, in connection with **Majhauriya P.S. Case No.441 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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