

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32355 of 2019

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

1. Md. Nasim Son of Lal Mohammad Resident of Village- Simariya, P.S.- Gorabari, District- Katihar.
2. Md. Ziaul Haque Son of Md. Jullu Seth Resident of Village- Simariya, P.S.- Gerabari, District- Katihar.
3. Md. Akhtar Son of Jullu Seth Resident of Village- Simariya, P.S.- Gerabari, District- Katihar.
4. Md. Mansoor Alam Son of Md. Afsar Ali Resident of Village- Simaria, P.S.- Gerabari, District- Katihar.
5. Md. Lalbabu Son of Md. Sameem Resident of Village- Marachi, P.S.- Bachhawara, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram
For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Maheshkhut P.S. Case No. 63 of 2018 registered for the offence punishable under Section 414 of the Indian Penal Code, Section 11(I)(a)(b)(d)(e)(f) of P.C.A. Act-1960 and Sections 47, 48, 49, 52 and 54 of Transport of Cattle Rules.

Three cattle laden trucks meant for smuggling of the cattle were seized and drivers of the aforesaid trucks



divulged the name of the petitioners as the owner of the aforesaid cattle.

It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. They were not transporting the cattle for smuggling rather they had purchased the said cattle vide purchase slip at Manshi Mawesi Hat and were transporting the same for their use. Offence under the Prevention of Cruelty to Animals Act-1960 and Transport of Animals Rules are bailable while under Section 414 of the I.P.C. is not made out against the petitioners as it is not the stolen articles. Petitioners have no criminal antecedent and similarly situated co-accused, namely, Md. Babloo has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 21.12.2018 passed in Cr. Misc. No. 74687 of 2018.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.



10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Khagaria in connection with Maheshkhut P.S. Case No. 63 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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