

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36534 of 2019

Arising Out of PS. Case No.-230 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

MD. JAMAL @ JAMAL Gender – Male, aged about 36 years, S/o Md. Shekh Eainul Resident of Village- Mansurpur, Chamarua, P.S.- Karza, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner in the present case is the owner of the truck in question and is seeking anticipatory bail in connection with Bhagwanpur Hat P.S. Case No. 230/2018 registered under Sections 279, 337, 413, 414, 429 of the Indian Penal Code and 4(A)(B) & 11(A)(B) of Animal Cruelty Act, pending in the court of learned Judicial Magistrate, 1st Class, Siwan.

The F.I.R. has been lodged on the basis of the fardbeyan of the Chowkidar who has found the truck bearing Registration No. BR06GB-4189 belong to the present petitioner involved in an accident and the truck was loaded with five tones of beef. The driver of the truck was absconding.

Learned counsel for the petitioner submits that



petitioner is the owner of the truck, there is no allegation that the truck was stolen property or that the loaded beef was contraband or otherwise stolen property. It is submitted that the truck was being run on the road by virtue of valid road permit.

It is further submitted that no accident of the truck took place as there is no harm caused to any human being but the F.I.R. has been registered under various provisions of the Indian Penal code without there being any prima facie materials to lodge the F.I.R. under those provisions. It is submitted that so far as Section 4(A)(B) of the Bihar Animal Cruelty Act is concerned, the punishment provided therein is a maximum period of six months or a fine of Rs. 2000/-. Section 11(A)(B) of the Bihar Animal Cruelty Act, it is submitted, do not attract under the facts and circumstances of the case.

Learned A.P.P. for the State is present and opposed the prayer for anticipatory bail of the petitioner.

Under the facts and circumstances of the case and submission of the petitioner that there is no material at all to lodge the F.I.R. under the provisions of the I.P.C. and the offences alleged under the Bihar Animal Cruelty Act is not said to be attracted or is providing a maximum punishment of six months, the petitioner may surrender before the court below and



seek regular bail.

In the given facts and circumstances of the case and the submissions of the petitioner that the offences under the various provisions of the Indian Penal Code are not even prima facie made out and that the offence alleged under the Bihar Animal Cruelty Act would be bailable in nature, this court thinks it just proper to grant liberty to the petitioner to surrender in the court below within four weeks from today and pray for regular bail. If such an application for regular bail is preferred in the court below within a period of four weeks from today, the same shall be considered on the same day and will be disposed of considering the submissions of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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