

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44511 of 2019

Arising Out of PS. Case No.-69 Year-2019 Thana- KHARHAGPUR District- Munger

MD. SHOIAB KHAN @ SHOYEB KHAN Son of Gayas Khan Resident of
Village - Sihul, P.S.- Amas, District - Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-07-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kharagpur P.S. Case No. 69 of 2019 for the offence punishable under Sections 279, 427, 429 and 414 of the Indian Penal Code, Section 1(a)(b)(c)(f)(h), kp of Cruelty to Animal Act, 1960 and Sections 47(a)(b)(c), 48/49/54(1, 2, 3)/56(A)(C)(F) of the Transportation of Cattle Act.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is the owner of the truck, which was carrying cattle and that is the only basis for his implication. It has been argued that Section 414 of the Indian Penal Code cannot have any application in the present case in the absence of any specific allegation of theft of cattle.

Considering the facts and circumstances, this application is 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Munger, in Kharagpur P.S. Case No. 69 of 2019, 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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