

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46197 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- JIYAPOKHAR District- Kishanganj

1. MD. ANWAR @ ANWAR ALAM Son of Md. Yusuf Resident of Village - Koiya, P.S.- Jiyapokhar, Distt - Kishanganj.
2. Md. Shakir @ Md. Sakir Alam Son of Mohammaddin Resident of Village - Koiya, P.S.- Jiyapokhar, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 379/34 of the Indian Penal Code, Section 4(B) of the Bihar Prevention and Improvement of Animal Act, 1955 and Section 11 (a) (d) of the Prevention of Cruelty to Animals Act, registered in connection with Jiyapokhar P.S. Case No. 06/2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation of recovery of five bullocks from the field of Jamaluddin where the arrested co-accused Harron stated that the bullocks had been received from the petitioners. It is submitted that as a matter of fact three bullocks had been purchased by the said co-accused Harron and two bullocks had been purchased by Md. Zakir on 07.05.2019 under validly issued receipts by Rajaswa Hat. Lohagara (Annexure-2). It is therefore submitted that the accusation under Section 379 of the Indian Penal Code are not applicable. The offences alleged under other enactments are also not applicable, which are in any event, bailable. The petitioners claim clean antecedents.



4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri A.K. Das, learned J.M. Ist Class, Kishanganj in connection with Jiyapokhar P.S. Case No. 06/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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