

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53913 of 2019

Arising Out of PS. Case No.-968 Year-2018 Thana- FORBESGANJ District- Araria

Md. Anwar, son of Md. Israile, resident of village - Karua More, P.S.-
Chautham, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-11-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with Forbesganj (Simraha) P.S. Case No.968 of 2018 dated 17.12.2018 instituted under Sections 414, 467, 468, 120-B and 428/34 of the Indian Penal Code and Section 11 of the Prevention of Cruelty to Animals Act, 1960.

3. The police had caught buffaloes from a truck for which the case was registered treating it to be illegal smuggling of animals.

4. Learned counsel for the petitioner submitted that he is not named in the First Information Report. It was further submitted that he had officially purchased the buffaloes from the



Haat at Mansi in the district of Khagaria on 10.12.2018, but due to non-availability of truck, it was being transported after a few days and, thus, on 17.12.2018, it was caught. It was submitted that though the petitioner is the owner of the buffaloes, the Deputy Superintendent of Police, Forbesganj, has supervised the case and directed the Investigating Officer to arrest the petitioner. It was submitted that the petitioner has no criminal antecedent. It was further submitted that the Court below itself has released the animals in favour of the petitioner on accepting bond, which indicates that the claim of the petitioner was genuine.

5. Learned APP fairly submitted that the Court releasing the animals in favour of the petitioner itself indicates that it was satisfied with the ownership and genuineness of the purchase made by the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in Forbesganj (Simraha) P.S. Case



No.968 of 2018 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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