

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57814 of 2019

Arising Out of PS. Case No.-341 Year-2018 Thana- GORAUL District- Vaishali

1. NANHE KURASHI @ MD. NEMATULLAH @ MD. NANHE KORAISHI Son of Abdul Gaffar @ Abdul Gafoor Resident of Village - Abubkarpur, P.S.- Goraul (Kathara O.P.) in the district of Vaishali.
2. Md. Sanaullah Kurashi @ Md. Sanaullah Son of Abdul Gaffar @ Abdul Gafoor Resident of Village - Abubkarpur, P.S.- Goraul (Kathara O.P.) in the district of Vaishali.
3. Pappu Kurashi @ Pappur Kurashi @ Saifullah Son of Abdul Gaffar @ Abdul Gafoor Resident of Village - Abubkarpur, P.S.- Goraul (Kathara O.P.) in the district of Vaishali.
4. Tamanna Kurashi @ Tamanne Kurashi @ Md. Javed Son of Abdul Jabbar Resident of Village - Abubkarpur, P.S.- Goraul (Kathara O.P.) in the district of Vaishali.
5. Md. Ishtyaque @ Guddu @ Md. Ishtyaque Ahmad @ Ishtyaque Ahmad Son of Md. Mumtaz Resident of Village - Abubkarpur, P.S.- Goraul (Kathara O.P.) in the district of Vaishali.
6. Afroj Azam @ Afroj Kurashi @ Afroj Alam Son of Bulla Kurashi @ Md. Habib Resident of Village - Abubkarpur, P.S.- Goraul (Kathara O.P.) in the district of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Goraul (Kathara) P.S. Case No. 341 of 2018, disclosing the offence under Sections 414 of the Indian Penal Code and Section 11 (1), (A), (K) of the Prevention of Cruelty against



Animal Act.

It is the case of the prosecution that the informant and several others had intercepted the vehicle which carrying 24 number of cattle, for illegal trade. One of them was arrested whereas others including the petitioners had managed to escape.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Prevention of Cruelty against Animal Act is made out against the petitioners. No case under Section 414 of the IPC can be made out in the absence of any allegation of theft under Section 379 of the IPC he contends. It has also been argued that the petitioners have been falsely implicated for oblique reasons.

Considering the above, this application is allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand), each with two sureties of the like amount, each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul (Kathara) P.S Case No. 341 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bounds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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