

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59863 of 2019

Arising out of PS. Case No.-1 Year-2017 Thana- PATHAMARI District- Kishanganj

MD. ISHAQUE @ MD. ISAHAK @ ISHA HAQUE, Gender Male, aged about 42 years, Son of Faizuddin @ Moulavi Faijuddin Resident of Village - West Matiyari, P.S.- Dalkhola, In the district of Uttar Dinajpur (W.B).
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 20-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 01 of 2017, dated 21.01.2017, registered at Police Station Pathamari under Sections 429, 295(A) and 120(B)/34 of the Indian Penal Code and Section 3/4(A) of Bihar Prevention and Improvement of Animal Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Petitioner, who is the owner of the vehicle, states that he has no knowledge of the goods being transported by the driver of the truck so engaged by him. He is innocent and has no past history of crime. Also, the incident took place at a far off



place.

Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence.

Be that as it may, since the F.I.R. was registered in relation to crime, which took place in January, 2017 for unauthorizedly carrying the livestock and that the petitioner is behind bars since 19.08.2019 as also that at this stage petitioner is not required for investigation, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of Sri A.K. Das, learned Judicial Magistrate, 1st Class, Kishanganj in connection with Pathamari P.S. Case No. 01 of 2017, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.



(iii) That the petitioner 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, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) Subject to the conditions laid down under Section 437 of the Cr.P.C.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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