

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63741 of 2019**

Arising Out of PS. Case No.-432 Year-2018 Thana- BIKRAMGANJ District-
Rohtas

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SUNIT KUMAR SHARMA @ SUNNIT KUMAR SHARMA @ SUNEET KUMAR
Son of Ram Bharosha Sharma Resident of House No. 171/2015, W-2
Damodar Nagar, P.S.- Barra, Distt - Kanpur (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajani Kant Singh, Advocate.

For the Opposite Party: Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 429, 153A, 295A/34 of the Indian Penal Code, Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Section 79 of the Bihar Police Act, 2007 registered in connection with Bikramganj P.S. Case No. 432 of 2018.

3. It is submitted that the petitioner has been falsely implicated as he is one of the truck owners allegedly laden with beef. It is submitted that except Sections 153A and 295A of the Indian Penal Code remaining offences are bailable in nature. It is submitted that the ingredients of the offence under the said two provisions are not attracted in absence of any accusation of incitement by the petitioner to commit violence or outraging the religious feelings of any class by insulting its religion or religious belief. Similarly situated co-accused Uday Bhan Singh has been granted anticipatory bail in Cr. Misc. No. 2933 of 2019 and other



co-accused namely Azad Kuraishi and Ekbal Kuraishi who are named in the F.I.R. have also been granted anticipatory bail by this Court in Cr. Misc. No. 33216 of 2019.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Ist, Bikramganj, District- Rohtas in connection with Bikramganj P.S. Case No. 432 of 2018, 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 petitioner.

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

(iii) That 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.

(iv) 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 bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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