

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68689 of 2019**

Arising Out of PS. Case No.-319 Year-2019 Thana- KISHANGANJ District- Kishanganj

PRADIP KUMAR SINGH Son of Kishanlal Singh @ Krishan Lal Singh
Resident of Village - Ramjibari, P.S.- Kishanganj, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 27-11-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kishanganj P. S. Case No. 319 of 2019 dated 04.07.2019 instituted for the offences under Sections 406, 420, 504 and 506 of the Indian Penal Code.

It appears that the animals, which were recovered from their owners for cruelty were given to the charge of Rajasthan Dhyan Foundation, an NGO for prevention of cruelty to animals. The animals so handed over to the NGO was in turn were given to the petitioner



for their safe custody but later it was found that 28 of such animals were missing. The allegation therefore against the petitioner is that those animals have been sold off for consideration and therefore the petitioner would be required to account for the loss in the number of animals.

Mr. Jay Prakash Verma, learned counsel for the petitioner submits that notwithstanding the loss of approximately 28 cattle out of 91, which were allowed to be kept in the cattle pond of the petitioner, the petitioner cannot be saddled with any responsibility as he had only offered his cattle pond space for the animals to be kept. There is no agreement between the Rajasthan Dhyan Foundation and the petitioner for keeping the animals in safe custody. The only role of the petitioner in the entire occurrence is that the cattle were kept in the cattle pond belonging to him.

It has further been submitted that he is one of the members of District Animals Cruelty Prevention



Committee and is also working as a Secretary of the Karate Association.

It has further been argued that the accusation is absolutely vague in as much as the details of the cattle which were not found in the cattle pond of the petitioner have not been stated. Which all cattle were put in the space provided by the petitioner is also not stated.

With such vague accusation and the informant not indicating with clarity whether the petitioner was entrusted with the responsibility of safe keeping of the cattle, the petitioner cannot be said to have committed the offence for which he has been made accused.

Regard being had to the aforesaid facts as also taking into account that the petitioner is only a space lender to the informant / NGO, the petition is allowed.

The petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks



from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P. S. Case No. 319 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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