

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4606 of 2020

Arising Out of PS. Case No.-105 Year-2019 Thana- DIGHALBANK District- Kishanganj

Muzahid Son of Md Kusumuddin @ Mohammad Kashmuddhin Resident of
Village - Kathal Bari, Padampur, P.S.- Dighal Bank, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code, 1860 and Sections 11(1)(a)(d) of the Prevention of Cruelty to Animals Act, 1960.

The prosecution case as per the written report of Inspector SSB submitted before the S.H.O., Dighalbank is to the effect that on 02.12.2019, SSB force on the Indo-Nepal border intercepted a truck of loaded with cattle, suspected to be kept for smuggling. Subsequently, three persons were arrested but the driver of the truck succeeded to escape from the scene. The apprehended persons disclosed that seized cattle belongs to one Md. Aashik, leading to registration of F.I.R., against Md. Aashik and the owner of the vehicle. The petitioner is the owner of the truck in question

It is submitted by learned counsel for the petitioner



that petitioner is the owner-cum-driver of the vehicle in question and the seized cattle were purchased by co-accused Md. Aashik for purpose of domestic use. The receipt showing purchase of the said cattle is annexed as Annexure-2. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned A.P.P. submits that the petitioner is named in the F.I.R. with specific accusation.

Considering the claim of the petitioner that the seized cattle were purchased by co-accused Md. Aashik for domestic use and a receipt to that effect being brought on record, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in event of arrest or surrender within 12 weeks on furnishing bail bond 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 Dighalbank P.S. Case No. 105 of 2019, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Rahul/Gautam

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