

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14460 of 2020

Arising Out of PS. Case No.-207 Year-2018 Thana- RAJPUR District- Buxar

GUDDU RAM @ DINESH KUMAR Son of Bechan Ram Resident of
Village-Bahuara, Police Station-Didarganj, District-Gajipur (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Kamlesh Kumar Pathak
For the Opposite Party/s :	Mr.Pramod Kumar Pandey
	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Rajpur P.S. Case No. 207 of 2018 registered for the offence punishable under Section 414 of the Indian Penal Code, Sections 11(a), (d), (e), (f), (h), (i), (k) of the Prevention of



Cruelty to Animal Act, Sections 47(a), 48, 49(a), 50, 52, 54(1) (2)(3) of the Transportation of Animal Rules 1978 along with Section 4(a), 4(b)(2) of the Bihar Cattle Moderations Act, 1055.

The allegation is regarding the police having received secret information that cattles were being transported on a truck, whereafter, the police is stated to have apprehended the said truck and had found that 10 buffaloes were in the said truck and had been tied with a rope so as to keep their mouth upwards. It is further alleged that upon interrogation, the arrested person had disclosed that the cattles were being taken for being slaughtered. The petitioner is stated to be the driver of the said truck, who had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that there is no allegation of the buffaloes in question, having been stolen by the accused persons. It is further submitted that at



best, the petitioner has been alleged to be driver of the said truck, hence, he cannot be saddled with the liability of the buffaloes being carried in the truck by either the consignor or the owner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and taking into account the fact that the petitioner is only the driver of the truck in question, the buffaloes have not been alleged to be stolen buffaloes and the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory 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 furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Buxar in



connection with Rajpur P.S.Case No. 207 of 2018,
subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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