

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20524 of 2020**

Arising Out of PS. Case No.-21 Year-2019 Thana- ROSERA District- Samastipur

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Santosh Mandal Son of Ram Narayan Mandal Resident of Village- Fatehpur,  
P.S.- Rosra, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      13-07-2020                      The Court proceeding has been conducted through  
virtual mode.

Heard learned counsel for the petitioner and  
learned APP for the State.

Since the physical court proceeding is non-  
functional, due to present pandemic, COVID-19, the matter is  
listed with defects.

Learned counsel for the petitioner undertakes to  
remove the defects within three weeks of resumption of physical  
court proceeding. In the eventuality of non-removal of defects  
within undertaken period, the office will place the matter before  
the bench.

The petitioner is apprehending arrest in a case  
registered for the offences punishable under Sections 414/34 of



the Indian Penal Code and Sections 11(1)(D)(E) of the Prevention of Cruelty to Animals Act.

The prosecution case, as per the written report of S.I., Vishnu Prasad Singh submitted to the Station House Officer, Rosera Police Station, is to the effect that on receiving of information on 24.01.2019, the informant along with police force reached to village – Bhutha and saw that a cow was being transported on a wooden rickshaw and 50 people caught hold of the two persons. The apprehended persons disclosed their name as Md. Guddu and Allauddin but they did not produce any document with regard to the cow and it was suspected that it was stolen animal. It is alleged against the petitioner that the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner and petitioner has no concern with the cow in question. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the accusation is not specific against the petitioner and statement being made in



paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned A.C.J.M.-I, Rosera, District – Samastipur in connection with Rosera P.S. Case No. 21 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned A.C.J.M.-I, Rosera, District - Samastipur in connection with Rosera P.S. Case No. 21 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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