

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17462 of 2020**

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1. Md. Tabrej, Son of Moufil.
2. Mehdabi, Wife of Md. Tabrej
Both resident of Village-Sonapur, Ward No.09, P.S.-Sikti, District-Araria.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.
For the Opposite Party/s : Mr.Atul Chandra, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2020 Heard learned Counsel for the petitioners and Mr.
Atul Chandra, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Sikti P.S. Case No.199/2019 registered for the offences under Sections 341, 332, 333, 353, 414, 504/34 of the Indian Penal Code and Section 11 of Cattle Cruelty Act.

Learned counsel for the petitioners submits that as per the prosecution story the informant who is himself a sub-inspector of police along with other members of the force intercepted the petitioner and his wife going with six cattle but the allegation is that the petitioner and his wife indulged in a scuffle with the informant and his party, the petitioner no.2 had



allegedly attacked with sharp edge weapon on a police personnel but the said police personnel somehow saved and no injury was caused to him but in the process the petitioners had succeeded in taking away one of the cattles.

Learned counsel submits that it is a case of false implication of the petitioners, the petitioners have no criminal antecedent and it is not the allegation of the informant that these cattles were either stolen or that the petitioners had been involved in any theft of the cattle. It is submitted that in fact the cattles were grazing in the field and when the informant party maliciously caught hold of them the petitioners protested against them as a result whereof the present case has been lodged against them.

Mr. Atul Chandra, learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners but considering the facts and circumstances of the case wherein it appears on perusal of the FIR itself that the informant along with five police personnel is said to have intercepted the petitioners but thereafter petitioners went away with one of the cattle, although there is an allegation that the petitioner no.2 had attacked with sharp edged weapon but no injury has been caused to any of the police personnel, the seizure list also nowhere



shows any sharp edge weapon seized by police, the petitioners have no criminal antecedent, let the petitioners above named in the event of their arrest or surrender within a period of six weeks from today in connection with Sikti P.S. Case No.199/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri Mustafa Sahi, learned J.M.-1st Class, Araria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that as and when required and preferably within three weeks after the lockdown is over and public transport system is restored, the petitioner no.1 shall



present himself before the investigating officer for interrogation
and in case the investigating officer visits the place of petitioner
no.2 she will also cooperate in course of investigation.

This application is allowed.

(Rajeev Ranjan Prasad, J)

rajeev/arvind-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

