

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26558 of 2020

Arising Out of PS. Case No.-495 Year-2019 Thana- BIKRAMGANJ District- Rohtas

RAHISH ALI Son of Majeed Ali Resident of Village - Aheripur, P.S. -
Bharthana, District - Etawah (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh
For the State : Mr. Akchhay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-11-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

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

The petitioner is apprehending his arrest in a case
registered under Sections 429, 153(A), 235A, 34 of the Indian
Penal Code and Section-11 of the Prevention of Cruelty to
Animal Act, 1960, 345 R/W 429 of Bihar Municipality Act,
2007.



Allegedly, on the basis of secret information, the informant with other police personnel proceeded to the place of occurrence for verification and found a truck loaded with cow flesh. It was also alleged that a Pick up Van loaded with ice was also found standing adjacent to the truck.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner is alleged to be owner of the truck, in question, in which, cow flesh was being carried out. The other co-accused with similar allegation have been granted anticipatory bail by a coordinate bench of this court vide order dated 28-02-2020 passed in Cr. Misc. No. 7383 of 2020 taking into account that all the sections except 153A are bailable in nature. So far offence under Section 235A is concerned, there seems to be a mistake in registering the FIR under Section 235A of the Indian Penal Code because no such provision exists in the Indian Penal Code.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Bikramganj, Rohtas in connection with Bikramganj P.S. Case No. 495 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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