

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29052 of 2020

Arising Out of PS. Case No.-68 Year-2020 Thana- BHITAHA District- West Champaran

1. Julfkar Ansari @ Md. Wasid, S/o Late Rose Mohammad, Resident of Village-Redaha, P.S.-Bhitaha, District-West Champaran
2. Amirullah Miyan, Son of Dukhi Miyan, Resident of Village-Redaha, P.S.-Bhitaha, District-West Champaran.
3. Jahir Miyan, Son of Md. Madhasan, Resident of Village-Redaha, P.S.-Bhitaha, District-West Champaran.
4. Imtyaz Ansari, S/o Sudin Ansari, Resident of Village-Redaha, P.S.-Bhitaha, District-West Champaran.
5. Alisher Ansari, Son of Gular Ansari, Resident of Village-Redaha, P.S.-Bhitaha, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Kumar, Advocate
For the Opposite Party/s : Ms. Sangita Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Ms. Sangita Sharma, learned APP is appearing for the State as it is submitted that the brief has been allotted to her by



the office of Advocate General.

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

The petitioners seek bail in connection with Bhitaha P.S. Case No.68 of 2020 registered for the offence punishable under Sections 295A, 429/34 of the Indian Penal Code and Sections 11(1)(I) of the Prevention of Cruelty to Animals Act, 1960.

The allegation is that two persons have been apprehended by the villagers with a beheaded cow. The two persons, who are said to have been apprehended, are petitioner nos.1 and 2. Petitioner nos.3, 4 and 5 are alleged to have fled away.

It is submitted by the petitioners' counsel that the petitioner nos.3, 4, and 5's implication is merely on the basis of hearsay and admittedly, they were not apprehended at the place of alleged recovery of the beheaded cow. They have clean past and are in custody since 02.06.2020.

In so far as petitioner nos.1 and 2 are concerned, it is submitted that even as per the F.I.R., there is no allegation that they have in any manner incited any religious sentiments. Their implication is false and they have denied and disputed that any



such incident has taken place. It is further submitted that they have been made the victim of the ill-design of certain persons in the locality. They are said to have no criminal antecedents and are in custody since 26.05.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Bagaha, West Champaran, in connection with Bhitaha P.S. Case No.68 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.



This Court would expect that the petitioners’ counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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