

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16317 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- KURSAKANTA District- Araria

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Md Sahid @ Sahid, age 35 years (male), son of Md. Irfan @ Urfan, resident of Village - Baturbari, P.S.- Tarabari, Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-06-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner yesterday, which was allowed.

3. Heard Mr. Nafisuzzoha, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioner apprehends arrest in connection with Kursakanta PS Case No. 147 of 2020 dated 27.08.2020, instituted under Sections 379, 411/34 of the Indian Penal Code.

5. The allegation against the petitioner is that he, along with three others persons, was stealing four buffaloes of the informant from his house at night.



6. Learned counsel for the petitioner submitted that two persons were caught by the informant and they have taken the name of the petitioner that he was the driver of the pick-up van on which there were two buffaloes loaded and two were outside. It was submitted that only on such statement of co-accused, the petitioner has been made an accused. Learned counsel submitted that he was only the driver of the pick-up van and had taken the vehicle on the direction of co-accused without having any knowledge that the buffaloes were stolen. Learned counsel submitted that the petitioner had gone to his home and had asked the owner that when the cattle would be loaded they should inform him so that he could drive the vehicle back and, thus, he was totally unaware of the reality, much less being party to any theft.

7. Learned APP submitted that the petitioner has an antecedent of similar case of the year 2018 and further, that it cannot be believed that the petitioner was unaware of the cattle being stolen for the reason that there was no occasion for him to take the vehicle at night to any place if it was a *bona fide* dealing of sale and purchase of the cattle. It was submitted that petitioner has admitted that he was the driver of the vehicle and had taken the vehicle to the place from where it has been



recovered along with the buffaloes.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the application stands dismissed.

10. However, in view of submission of learned counsel for the petitioner, it is observed that if the petitioner appears before the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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