

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29753 of 2021**

Arising Out of PS. Case No.-13 Year-2021 Thana- DIGHALBANK District- Kishanganj

MD ISRAFIL @ ISRAFUL S/o Md. Tahir R/o village- Balubari, P.S.-  
Dighalbank, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                        |
|--------------------------|---|--------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ashok Kumar, Sr. Adv<br>Mr. Ram Prawesh Kumar, Adv |
| For the Opposite Party/s | : | Mr. Ajit Kumar, APP                                    |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      20-12-2021                      Heard Sri Ashok Kumar, learned Senior Counsel assisted by Sri Ram Prawesh Kumar, learned counsel for the petitioner and Sri Ajit Kumar, learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner who is in custody since 30.01.2021 seeks regular bail in connection with Dighalbank P.S. Case No. 13 of 2021 registered for offences punishable under Section 414 of the Indian Penal Code, Section 11(i) (a)(d) Prevention of Animal Cruelty Act and Section 4 Prevention and Improvement of Animal Act, 1955.

Prosecution case in brief is that the petitioner along



with 10-12 accused persons was found along with several innocent animals like cows and buffaloes. It is further alleged that 48 bulls, 19 cows and 3 calves were recovered from the possession of the petitioner however altogether 70 animals were recovered from different accused persons named in the F.I.R.

Learned counsel on behalf of the petitioner submits that petitioner is innocent and no case is made against him under Section 11(i) (a)(d) of Animal Cruelty Act, 1960. It is further submitted that petitioner was arrested while he was coming from place of his relative only on suspicion and as such the petitioner be released on bail.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case, it appears that prima-facie no case of subjecting the animal on cruelty is made out in absence of any medical report, in this regard, let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Dighalbank P.S. Case No. 13 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Purnendu Singh, J)**

Niraj/-

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