

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35473 of 2020**

Arising Out of PS. Case No.-354 Year-2019 Thana- KURSAKANTA District- Araria

=====

Zaheer, Male, aged about 60 years, Son Of Late Mutku, Resident of Village-  
Garaiya Lailokhar, Ward No. 12, P.S.- Kuari (Kursakanta), District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate  
For the State : Mr. Pawan Kumar Chaurasia, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 21-06-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Gopal Kumar Jha, learned counsel for the petitioner and Mr. Pawan Kumar Chaurasia, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Kursakanta (Kuari O.P.) PS Case No. 354 of 2019 dated 22.12.2019 corresponding to G.R. No. 4528 of 2019, instituted under Sections 414 of the Indian Penal Code and 11 of the Prevention of Cruelty to Animals Act, 1960.

4. The allegation against the petitioner is that 12 cattle which were caught by the authorities, belonged to the petitioner, as



disclosed by the person who was caught bringing the same into India from Nepal.

5. Learned counsel for the petitioner submitted that from the FIR it is clear that the person caught had stated that he used to make the cattle cross the border bringing it to the persons concerned and that in the present case, the 12 cattle which were caught belonged to the petitioner. It was further submitted that in the FIR there is absolutely no mentioning with regard to the cattle being stolen and further what cruelty was being meted to the cattle. Moreover, it was submitted that it is the statement of the person caught with the cattle before the police.

6. Learned APP submitted that the arrested person has disclosed that the cattle belonged to the petitioner. However, he could not controvert that in the FIR there is no allegation of any concealment of any stolen property or description of any cruelty to the cattle.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the



learned ACJM-V, Araria in Kursakanta (Kuwari O.P.) PS Case No. 354 of 2019 corresponding to G.R. No. 4528 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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