

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36635 of 2020

Arising Out of PS. Case No.-106 Year-2020 Thana- KHUTAUNA District- Madhubani

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1. MD. PHULHASAN @ MD. PHUL HASAN S/o Md. Mushauru @ Mushauru R/o village- Basaha, P.S.- Babubarhi, District- Madhubani
 2. Md. Nasir @ Md. Nasim S/o Md. Najick R/o village- Laukaha, P.S.- Lamcaha, District- Madhubani
 3. Md. Alimur S/o Md. Mojibur R/o village- Beldari, P.S.- Lamcaha, District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Agadh Bhima S/o Raanda Junda Bhima R/o village- Chaya, P.S.- Chaya, District- Porbandar, State- Gujrat

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Adv.
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-01-2021 Heard the learned counsel for the petitioners and Shri
Tapeshwar Sharma, the learned A.P.P. appearing for the State.

The petitioners seek regular bail in connection with Khutauna P.S. Case No. 106 of 2020 for the offence punishable under Sections 379/34 of the Indian Penal Code and Sections 11(1)(a),(d) and (e) of the Prevention of Cruelty to Animals Act, 1960.

The allegation is regarding the accused persons having engaged in carrying of cows in a vehicle and when they, including the petitioners herein, were apprehended by the



police, from the said vehicle, it was found that one cow had died on account of cruelty inflicted by the accused person.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are languishing in custody since 11.08.2020. It is further submitted that the said cows were purchased by the accused persons and were being brought from Nepal, however, there is no question of inflicting any cruelty upon the cows.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the materials available on records as also considering the period of incarceration of the petitioners herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Jhanjharpur, Madhubani in



connection with Khutauna P.S. Case No. 106 of 2020.

(Mohit Kumar Shah, J)

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