

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38112 of 2020

Arising Out of PS. Case No.-02 Year-2020 Thana- KANGLI District- West Champaran

1. REYAZ KHAN, about 45 Y/M, Son of Late Nasir Khan, Resident of Village - Bheriharwa, P.S. - Kangali, District - West Champaran.
2. LADDAN KHAN, about 20 Y/M, Son of Reyaz Khan, Resident of Village - Bheriharwa, P.S. - Kangali, District - West Champaran.
3. HASIM KHAN, about 40 Y/M, Son of Nemu Khan, Resident of Village - Sabaithwa, P.S. - Kangali, District - West Champaran.
4. AHIYA KHAN, about 50 Y/M, Son of Kemu Khan, Resident of Village - Sabaithwa, P.S. - Kangali, District - West Champaran.
5. ABU QUAIS, about 28 Y/M, Son of Islam Mian, Resident of Village - Bhelahi, P.S. - Bhelahi, District - East Champaran.
6. ISLAM MIAN, about 55 Y/M, Son of Late Saral Mian, Resident of Village - Bhelahi, P.S. - Bhelahi, District - East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-08-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 414 of the I.P.C. and 11(1) (a)(i)(k) of the Prevention of Cruelty to Animals Act,



1960.

The prosecution story, in brief, is that on 08.01.2020 at about 7.35 P.M., during patrolling duty, the informant was informed that a number of stolen cattle had been kept in village-Bheriharwa for the purpose of smuggling and on enquiry, it transpired that Reyaz Khan, Laddan Khan, Ainullah Khan, Saheb Khan, Sonu Devan, Hasim Khan, Aahiya Khan, Abbu Qaish, Islam Mian and Kedar Yadav had kept the animals, in respect of which, superior officers were informed and having constituted a raiding team, a raid was conducted at village-Bheriharwa, but seeing the police force, the owners of cattle succeeded in fleeing away taking advantage of darkness from the cattle shed of Reyaz Khan constructed to the south of orchard of Tuddu Khan. On search of cattle of Reyaz Khan, altogether 49 cattle including 14 buffaloes, 10 child she-buffaloes, 15 he-buffaloes and 10 child he-buffaloes were recovered. On query, the people assembled there could not give satisfactory answers.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 2, 5 and 6 have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the



witnesses alleged against the petitioners. As far as petitioner no. 1 is concerned, it is alleged that 49 cattle were found in his cattle shed. As far as petitioner nos. 2 to 6 are concerned, there is mere suspicion raised against them. Except for suspicion, there is no other substantive evidence to suggest the implication of petitioner nos. 2 to 6 in the present case other than petitioner no. 1.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no. 1, namely, Reyaz Khan. The same is rejected in connection with Kangali P.S. Case No. 02 of 2020, pending in the court of learned Judicial Magistrate-Ist Class, Bettiah, West Champaran.

If the petitioner no. 1, namely, Reyaz Khan, surrenders in the learned court below and prays for regular bail the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

Let the petitioner nos. 2 to 6 above named, (except petitioner no. 1, namely, Reyaz Khan) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on



their personal bond to the satisfaction of the learned Judicial Magistrate-Ist Class, Bettiah, West Champaran, in connection with Kangali P.S. Case No. 02 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 2 to 6 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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