

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39246 of 2020

Arising Out of PS. Case No.-82 Year-2019 Thana- MAGADH UNIVERSITY District- Gaya

CHOTAK PRASAD, Son of Late Ram Dayal Prasad, Resident of Village -
Aadarsh Nagar, H/245, P.S.- Dhurva, District- Ranchi, State- Jharkhand.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Magadh University P.S. Case No. 82 of 2019
registered for the offences punishable under Sections 414, 428,
429, 279 and 4/4 (A)/4(B) of Bihar Preservation and
Improvement of Animal Act, 1955, Section 125E of the Central
Motor Vehicle Act, 1989, Rules 96/97/98 of transport of Animal
Rule, 2009, Section 20 of Prevention of Cruelty to Animal Act,
1960. Petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that the



allegation against the petitioner is that he was driving the vehicle in which animals were being transported for unlawful purpose.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is only the driver of the vehicle and he was engaged by the owner who has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc. No. 7899 of 2020.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the kind of allegation showing that this petitioner was driving the vehicle in which the animals were being transported and those animals were kept in a very bad condition inside the vehicle, the submission that the petitioner is only the driver of the vehicle and he was engaged by the owner who has already been granted bail in Cr. Misc. No. 7899 of 2020, this petitioner has otherwise no criminal antecedent, therefore, this Court directs the petitioner above-named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like



amount each to the satisfaction of learned ACJM-IX, Gaya in connection with Magadh University P.S. Case No. 82 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

