

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38615 of 2020

Arising Out of PS. Case No.-338 Year-2020 Thana- KORHA District- Katihar

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1. Md. Juhar @ Md. Johak, aged about 51 years, male, Son of Late Israil.
 2. Md. Rakim, aged about 24 years, male, Son of Md. Juhar @ Md. Johak.
- Both are resident of Village - Tinpaniya Beltekri, P.S.- Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-04-2021 Heard Mr. Bhola Prasad, learned Advocate for the

petitioners and Mr. Kalyan Shankar, learned APP for the

State.

The petitioners seek bail in anticipation of their

arrest in connection with Korha P.S. Case No. 338 of 2020,

dated 18.07.2020, instituted for the offences under Sections

379 and 212 of the Indian Penal Code.



Two buffaloes were found to be loaded on a vehicle of which the petitioner No. 1 is said to be the owner, whereas the petitioner No. 2 is the driver.

It has been submitted on behalf of the petitioners that the buffaloes were stolen sometimes ago and later, the petitioners are sought to be prosecuted in this case as being the transporters of such cattle. It has further been submitted that the accusation against the petitioners is absolutely based on suspicion and assuming but not admitting the fact that the buffaloes were found loaded on the vehicle of petitioner No. 1 of which the petitioner No. 2 was a driver, there is no evidence to connect that the petitioners were aware of the fact that the buffaloes were stolen property.

Regard being had to the facts afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Katihar in connection with Korha P.S. Case No. 338 of 2020,
subject to the conditions laid down under Section 438(2) of
the Cr.P.C.

While saying so, this Court has also taken note of
the fact that the petitioner Nos. 1 and 2 do not have criminal
antecedents.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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