

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40143 of 2020

Arising Out of PS. Case No.-90 Year-2020 Thana- DEO District- Aurangabad

UPENDRA KUMAR Son of Rajendra Yadav Resident of Village - Bhatbigha,
P.S. - Madanpur, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Uday Chandra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2021 Heard Mr. Sanjay Kumar, learned counsel for the
petitioner and Mr. Uday Chand Prasad, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Deo
P.S. Case No. 90 of 2020 registered for the offence under
Sections 414 / 429 / 34 of the I.P.C. read with Section 11 of the
Prevention of Cruelty to Animal Act, 1960 and Section 4 of the
Bihar Preservation and Improvement of Animals Act, 1955.

The allegation as per the First Information Report is
that the Pick Up Van, driven by the petitioner was intercepted by
the informant and it has been alleged that petitioner had loaded
animals including “Ox”, “Cows” etc. more than the loading
capacity of Pick Up Van, which amounts to cruelty under the
Prevention of Cruelty to Animals Act, 1960.



Learned counsel for the petitioner submits that petitioner is the driver of the Pick- Up Van which was being plied by its owner on hire basis and on the instruction of the owner of the vehicle he was carrying the animals from one destination to another destination and was intercepted by Cows-Protection Unit. Learned counsel next submits that petitioner is not having any criminal antecedent and no offence under Sections 414 / 429 / 34 of the I.P.C. is made out on bare reading of the First Information Report inasmuch as there is no allegation that the animals loaded on the vehicle of the petitioner were stolen.

Having regard to the submissions made by learned counsel for the parties, taking into consideration the materials available on record, the fact that petitioner was the driver of the Pick- Up Van having no criminal antecedent and he is in custody since 12.10.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad / court concerned in connection with Deo P.S. Case No. 90 of 2020.



It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

