

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20398 of 2022

Arising Out of PS. Case No.-108 Year-2021 Thana- TANDWA District- Aurangabad

MD. ALI S/O MD. SHAMIM KHAN R/o village- Jakhi Bigha Mani Nagar,
P.S.- Dehri, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Tandwa P.S. Case No. 108 of 2021 registered for the offences punishable under Sections 379, 411/34 of the Indian Penal Code, Section 11(i)(a) of Animal Cruelty Act, 1960 and Section 4/4 (A) (B) of Bihar Animal Protection Act, 1955.

As per prosecution case, on 24.12.2021 the informant received information that at Tandwa Bazar Chowk a pickup van loaded with several animals was going somewhere. Having received the aforesaid information, the informant along with other police personnel reached at Tandwa Bazar. On



enquiry the driver of the said vehicle disclosed his name as Md. Ali, who is the present petitioner. On search of aforesaid vehicle it was found that animals were tied in a single rope and they were loaded in very pitiable and injured conditions. The animals were groaning in pain.

Learned counsel for the petitioner submits that petitioner has been made accused in this case as driver of seized vehicle. He further submits that petitioner is employee of owner of pickup van. He further submits that petitioner had not loaded the animals rather the animals were loaded by the order of vehicle owner. Petitioner is in custody since 24.12.2021 and bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Tandwa P.S. Case No. 108 of 2021, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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