

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28274 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- RAFIGANJ District- Aurangabad

1. MD. RIZWAN KHAN Son of Jilani Khan Resident of village - Basant Simla, P.S.- Salaiya, District - Aurangabad.
2. Alisher Khan Son of Shahjahan Khan Resident of village - Simla, P.S.- Salaiya, District - Aurangabad.
3. Masihuzamma Khan @ Md. Masihuzzama Khan Son of Mashuk Khan Resident of village - Darna Road, Hamzapur, P.S.- Sherghati, District - Gaya.
4. Saiful Khan Son of Manan Khan Resident of village - Takri, P.S.- Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan, Advocate
For the Opposite Party/s : Mrs. Rena Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 379 and
411 of the Indian Penal Code and Section 11 of the Prevention
of Cruelty to Animals Act.

According to prosecution case, the informant, who is a
Sub-Inspector of Police, seized two trucks bearing Registration
Nos. BR-26GR-6251 and BR-02GA-8251 as were transporting



cattle (37 cattle in each truck) illegally in a cruel and wretched condition. A cow was found dead.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation against the petitioners are that they carried the cattle in question in two trucks for the purpose of selling. He further submits that all the cattle were purchased from the Adarsh Nauwau Animal Market, Kaimur at Bhabua and in proof thereof, they have annexed the receipts of purchase of the cattle in question vide Annexure-4 series.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the basis of material available in the record and case diary submits that it has come during investigation that the petitioners have purchased the cattle in question from the Adarsh Nauwau Animal Market, Kaimur at Bhabua.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending in connection with Rafiganj P.S. Case No. 103 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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