

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35946 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- BARBIGHA District- Sheikhpura

1. Zakir @ Zakir Husain S/O Late Maneruddin Resident of Village- Jamdiya, P.S.- Asthawan, District- Nalanda.
2. Md. Halim @ Md. Hanim S/O Mehdi Hasan Resident of Karay Parshuram, P.S.- and District- Nalanda.
3. Md. Shamim Sah @ Md. Salim S/O Late Jamal Sah Resident of Village- Chainpura, P.S. Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
Barbiga P.S. Case No. 180 of 2022 lodged under Sections 414,
429 of the I.P.C. read with Sections 11(i) a, d, e, L, K Prevention
of Cruelty to Animal Act & Section 47(a)/48 Cattle
Transportation Act, 1978.

As per the prosecution case, the recovery of 84 cattles
were made from the possession of the petitioners.

Learned counsel for the petitioners submit that the offences in which case has been filed are of Penal Code, Prevention of Cruelty to Animal Act and Cattle Transportation Act, 1978. He submits that except I.P.C. Section 414, rest offences are bailable in nature. He further submit that petitioners could not produce the purchase paper of documents to the authorities, due to which Section 414 has been added. Learned counsel for the petitioners submit that normally, the documents for purchase of cattle not always prepared but he raised the point which is Annexure-2 series in which he has annexed some of the receipt for purchase of cattle. He further submits that petitioners are in custody since 30.04.2022 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheikhpura in connection with Barbigha P.S. Case No. 180 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with

other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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